

CYPRUS RESEARCH CENTRE  
TEXTS AND STUDIES IN THE HISTORY OF CYPRUS  
XLII

THE ASSIZES OF  
THE LUSIGNAN KINGDOM  
OF CYPRUS

Translated from the Greek by Nicholas Coureas

πορὴν αὐτοδὶξήνοῦται· οὐδὲν ἐν τῷ δέσπῳ  
τι ἐκ τῶν ὧν τοῦ· ποῦ τοῦ ὧν τοῦ ἐξήνησε  
μ· διαβήκην· ἀλλ' ἀνέκην μοι· ἡ ἐκ κήρυ-  
τα ποῦ τῶν μῶν καὶ λείψα· ὅτι οἱ τε θνητοὶ  
ἐφ' ἡν ἔργα τοῦ ἐκ τῶν βασιλευσάντων· τοῦ δὲ  
καὶ μορὶ ἡ αὐτοῦ· ἐν τῇ χιτῶνι πρὸς ἐ-  
σι μετ' ἡλικίᾳ μῶν· ὅπου ἡ ἱερὰ κήρυ-  
μα πᾶσι τοῖς θνητοῖς· ὅτι ἀφ' ἡμῶν ἐκ κήρυ-  
μα κήρυτο ἡν τὰ καὶ αὐτοῦ ἐν τῇ χιτῶνι  
τοῦ δὲ ἀλλ' ἀνέκην μοι· ἐκ κήρυμα μῶν  
οὐδὲν ἐκ κήρυμα πρὸς τῶν μῶν καὶ μῶν  
ἀλλ' ἀφ' ἡμῶν μῶν· ὅτι θνητοὶς τοῦ  
ἐκ κήρυμα· ἐκ κήρυμα κήρυμα μῶν αὐτοῦ  
συγγενῶν τοῦ τοῦ· ὅτι οἱ τοῦ καὶ αὐ-  
τοῦ ἐκ κήρυμα τοῦ ἐκ κήρυμα· ἀλλ' ἀνέκην  
μῶν αὐτοῦ· ὅτι ἐκ κήρυμα τοῦ ἐκ κήρυμα  
ὅτι οἱ πολλοὶ μῶν· ὅτι οἱ θνητοὶς οὐδὲν  
ἐκ κήρυμα· ἐκ κήρυμα· ἐκ κήρυμα· ἐκ κήρυμα  
ἐκ κήρυμα· ἐκ κήρυμα· ἐκ κήρυμα· ἐκ κήρυμα

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## **PREFACE**

This book is a translation into English of the two extant Greek versions of the Assizes of the Court of Burgesses of the Kingdom of Jerusalem. These laws, or assizes as they have come to be called, were originally compiled in French by an anonymous compiler in Latin Syria during the 1250s, but were subsequently translated into Greek and then into Italian on the island kingdom of Cyprus, which became a Latin kingdom shortly after its conquest in 1191 by King Richard I of England, and came under Venetian control from 1473 until 1571, when Cyprus was captured by the Ottoman Turks.

It is hoped that through this translation of both the Greek versions into English they will become more accessible to and arouse greater interest among both legal and medieval historians, and especially those interested in the period of the crusades. In preparing the translation I wish to express gratitude to the following institutions for the assistance they have afforded me: The Cyprus Research Centre of the Ministry of Education and Culture of Cyprus, where I am currently employed as a full-time researcher, the British Library at St Pancras, London, the Library of the Archbishop Makarios III Foundation in Nicosia and the Periodicals Library of the University of Cyprus. I also wish to thank the anonymous specialist scholar for his constructive advice and suggestions in preparing the above text. Thanks are likewise due to Dr Chris Schabel of the University of Cyprus for his assistance in improving the text.



## List of Abbreviations

<i>AOL</i>	<i>Archives de l' Orient Latin</i>
<i>BF</i>	<i>Byzantinische Forschungen.</i>
<i>CSFS</i>	Collana storica di fonti e studi. General editor G. Pistarino. Genoa, 1969-
<i>DOP</i>	<i>Dumbarton Oaks Papers</i>
<i>EEBS</i>	<i>Επετηρίς της Εταιρείας Βυζαντινών Σπουδών.</i>
<i>EKEE</i>	<i>Επετηρίδα του Κέντρου Επιστημονικών Ερευνών, Λευκωσία.</i>
<i>EKEIEΔ</i>	<i>Επετηρίς του Κέντρου Ερευνών της Ιστορίας του Ελληνικού Δικαίου.</i>
Kausler	E.H. Kausler (ed), <i>Les livres des assises et des usages de reyaume de Jérusalem</i> , I, Stuttgart, 1839.
<i>MY</i>	<i>Μελέται και Υπομνήματα. Ίδρυμα Αρχιεπισκόπου Μακαρίου Γ', Γραφείον Κυπριακής Ιστορίας.</i>
<i>PCRCICO</i>	Pontificia commissio ad redigendum codicem iuris canonici orientalis: Fontes. Series III, 15 vols. Rome, 1943-
<i>ΠΔΚΣ-Β</i>	<i>Πρακτικά του Δευτέρου Διεθνούς Κυπριολογικού Συνεδρίου</i> , 3 vols. II, Nicosia, 1986.
<i>RHC</i>	<i>Recueil des historiens des croisades</i> . 16 vols. Paris, 1844-1864.
<i>Lois</i>	<i>Les assises de Jérusalem</i> , 2 vols. Paris, 1841-1843.
<i>RHDFE</i>	<i>Revue historique de droit français et étranger.</i>





## HISTORICAL INTRODUCTION

### *The Historical Context*

The *Livre des Assises des Bourgeois* is one of the most important and interesting monuments not only of French, but also of European legal history. Like many of the great collections of French customary law it was written in the thirteenth century, probably in the 1250s and possibly before 1253.<sup>1</sup> Therefore it postdates the *Très-ancien coutumier de Normandie* (c.1223) and antedates the *Summa de legibus Normanniae* (1254-1258), the *Conseil à un ami* of Pierre de Fontaines (c.1254-1259), the *Livre de jostice et de plet* (c.1260) and the *Coutumes de Beauvaisis* (1283) of the famous jurist Beaumanoir.<sup>2</sup> Unlike the above collections, however, the *Livre des Assises de Bourgeois* was compiled not in France, but in the Latin East. As a result of this, the compiler of this work was influenced not only by the French and Provençal legal treatises, especially *Lo Codi*, based on Roman customary law, but also to some extent by Byzantine and Syrian legal treatises which were also based on Roman customary law as transmitted in the East Roman Empire.<sup>3</sup>

The *Livre des Assises des Bourgeois* also differs from the French legal monuments mentioned above in one other important respect, the extent of its diffusion. Although it was initially compiled sometime in the 1250s at Acre, the capital of a Latin Kingdom of Jerusalem which had been greatly diminished in size following the conquests of Saladin in 1187, its application in this kingdom ended forty years later, for between 1265 and 1291 the last Latin possessions in Syria were overrun by the Mamluk sultans. Its application in the Lusignan Kingdom of Cyprus, conquered in 1191 by King Richard I of England and under Lusignan and from 1473 onwards under Venetian rule until the Ottoman conquest of 1571, was of a far longer duration. The laws of the *Livre des Assises des Bourgeois*, translated initially into Cypriot Greek and subsequently into Italian, were applied in the burgess courts of the island for over three centuries. The Italian translation of the *Livre des Assises des Bourgeois* has existed in print since 1535, while two French manuscripts of the work were edited and published in 1838, 1839 and 1843. The two surviving Greek manuscripts were edited and published in 1877.<sup>4</sup>

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1. D. Jacoby, 'The *fonde* of Crusader Acre and Its Tariff: Some New Considerations', in *Dei gesta per Francos, Crusade Studies in Honour of Jean Richard*, ed. M. Balard, B.Z. Kedar and J. Riley-Smith (Aldershot, 2001), pp. 277-278 and p. 278, note 5.

2. J. Prawer, 'The Sources and Composition of the *Livre des Assises des Bourgeois*', in *idem.*, *Crusading Institutions* (Oxford, 1980, repr. 1998), p. 371.

3. Prawer, 'Sources and Composition', pp. 372-379 and 386-390.

4. *L'Alta Corte, le Assise, e buone usanze del Reame de Hyerusalem* (Venezia, 1535), folio vii recto; *Assises du Royaume de Jérusalem*, i, I, ed. V. Foucher (Rennes, 1840); 'Assises de la Baisse Court', *Les*

Of the various extant compilations in French, Greek and Italian, the two surviving Greek compilations, written in the Cypriot Greek spoken on Lusignan and Venetian Cyprus, are linguistically the ones least accessible to international scholarship, hence the reason for an English translation. This book is a translation into English of both the surviving Greek manuscripts containing the laws applied in the burgess courts of the medieval kingdoms of Jerusalem and Cyprus. These laws were originally compiled in French by an unknown compiler sometime in the middle of the thirteenth century. M. Grandclaude, followed by J. Prawer, dated them to between 1229 and 1244, during the second occupation of the city of Jerusalem by the Latin Christians, but the first scribe of the *Cour des Bourgeois* (Court of Burgesses) in the kingdom of Jerusalem, Aliotto Uguccio, is attested in 1253, which suggests that the French *Livre des Assises des Bourgeois* was compiled in the 1250s, as has been stated above.<sup>5</sup> Of the two surviving Greek manuscripts, Anthony Syngritikos prepared one in 1469, at the very end of the period of Lusignan rule on Cyprus, and the manuscript does not make it clear whether he translated it from the French or simply copied it from an earlier Greek manuscript now lost.<sup>6</sup> A second Greek manuscript, the writer of which is unknown, appeared in 1512, during the period when Cyprus was under Venetian rule, and here again the manuscript does not make it clear whether the unknown writer translated this compilation from the French or simply copied it from an earlier Greek manuscript which is now lost.<sup>7</sup> Since these laws are titled 'assizes', a term seldom used nowadays, some explanation of the meaning of this term is called for.

For jurists in the thirteenth century Latin kingdom of Jerusalem or in the Lusignan kingdom of Cyprus, the assizes were either those pieces of legislation promulgated by the king and his liege-men in council, or the whole *corpus* of legislation. The latter interpretation had become the most prevalent by the beginning of the thirteenth century.<sup>8</sup> As for the liegemen who sat in council with the king, these were those nobles who held estates granted to them by the king and known as fiefs. Such nobles were direct vassals of the king, and it should be noted here that in the kingdom of Lusignan Cyprus, unlike the kingdom of Jerusalem or the Latin Principality of Achaia in Greece, justice was a crown monopoly and there was no privatization of judicial authority. All Cypriot nobles were direct vassals of the crown, and those

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*Livres des assises et des usages du royaume de Jérusalem*, i, ed. E.H. Kausler (Stuttgart, 1839); 'Assises de la Cour des Bourgeois', ed. M. le Comte Beugnot, *Recueil des historiens des croisades, Lois II* (Paris, 1843); 'Ασσίζαι του Βασιλείου των Ιεροσολύμων και της Κύπρου', ed. C. Sathas, *Μεσαιωνική Βιβλιοθήκη*, 7 vols. (Venice, 1872-1894), VI (1877), 3-497.

5. M. Grandclaude, 'Classement sommaire des manuscrits des principaux livres des assises de Jérusalem', *RHDFE* (Paris, 1926), p. 424; Jacoby, 'The fonde of Crusader Acre', pp. 277-278 and note 5.

6. Sathas, 'Ασσίζαι της Κύπρου B', p. 497. Sathas erroneously gives the translator's first name as Nicholas, and is corrected by J. Darrouzès, 'Les manuscrits originaires de Chypre à la Bibliothèque Nationale de Paris', in *Litterature et histoire des textes Byzantins*, XI (London, 1972), 187.

7. Sathas, 'Ασσίζαι της Κύπρου A', p. 23.

8. M. Grandclaude, *Etude critique sur les livres des assises de Jérusalem* (Paris, 1923), pp. 7-8.



consulted by the king over legal matters would have included eminent jurists.<sup>9</sup> The assizes, however, included legislation applied not only by the High Courts of both Jerusalem and Cyprus, which dealt with feudal legislation and conducted cases between holders of fiefs, but also legislation applied by the burgess courts in both kingdoms.

*The Greek Manuscripts of the Assizes: Chronology and Language*

Turning to the Greek texts of the *Livre des Assises des Bourgeois*, one notes that there are four recorded Greek manuscripts, of which now only the two edited by C. Sathas survive. The first of these is the Ms Paris, Bibliothèque Nationale de France, Grec suppl. 465, which Sathas edited and published as the First Version (Διασκευή Α') in his edition of the Greek texts of the Assizes. As was mentioned above, an unknown scribe (or translator) copied or wrote it on 11 February 1512. It was located on Mt Athos and was brought to France sometime before 1843 by a certain Minoides Menas, who had been assigned this task by the French government. It consists of 244 leaves of paper, measuring 213 mm by 160 mm, and has a modern binding in marbled half-parchment. It is written in a clear hand and the date 11 February 1512 is located on folio 16 recto immediately after the list of chapter headings. This Greek manuscript numbers 297 chapters.<sup>10</sup> It was edited and published in 1877 by C. Sathas in *Bibliotheca graeca medii aevi* (= *Μεσαιωνική Βιβλιοθήκη*), vol. VI, pp. 3-247.

Notwithstanding the fact that it is dated 1512, more than 40 years later than the second of the surviving Greek manuscripts, Sathas considered it to be an earlier version of the Greek assizes on linguistic grounds. He observed that certain Greek words in the manuscript dated 1512 were more correct as regards spelling than the same words in the manuscript dated 1469, and that offices and terms simply noted in the manuscript dated 1512 are given with an explanatory note in the manuscript dated 1469. For example the words δίκαιον (= justice), παράπτωμαν (= transgression), αιτίαν (= cause), φίλοι εν αληθεία έσονται (= will in truth be friends) in the manuscript dated 1512 appear in the more colloquial forms ίσον, κατάπτωμαν, ητίαν, and ένη φίλοι της αλήθειας in the manuscript dated 1469. As regards offices and terms, whereas the manuscript dated 1512 simply gives the terms βισκούντης (= viscount), κριτάδες (= assessors) and Σύνταξις της Ασιζας (= Composition of the Assizes), the manuscript dated 1469 gives the same offices and terms in a more explanatory fashion, εμπαλής της χώρας (= viscount [*bailli*] of the land), οι ορκισμένοι ηγούν οι κριτάδες (= those taking an oath, that is the assessors), and το σύνταγμα το έκατσαν οι άρχοντες το λέγουν Ασιζαν (= The composition that the lords promulgated, which is called the Assizes). Because the terminology and words given in the manuscript dated 1469 are both more colloquial and more analytical, Sathas considered it to be later than that dated 1512.<sup>11</sup>

9. P. Edbury, *The Kingdom of Cyprus and the Crusades, 1191-1374* (Cambridge, 1991, 2<sup>nd</sup> ed. 1994), pp. 21 and 185-188; Grandclaude, *Etude critique*, pp. 13 and 153.

10. Grandclaude, 'Classement sommaire', pp. 463-464; Sathas, *Μεσαιωνική Βιβλιοθήκη*, VI, 90-92 and 95 (Introduction).

11. Sathas, *Μεσαιωνική Βιβλιοθήκη*, VI, 98-99 (Introduction).

K. Hadjioannou in his paper on the beginnings of the Modern Greek dialect of Cyprus first published in 1964 likewise stated that although the manuscript dated 1469 has an earlier date than that dated 1512, it cannot be considered as older with regard to the dialect it contains, although he does not give comparative examples to support his view.<sup>12</sup> Moreover Sathas, despite maintaining that the manuscript dated 1512 is the older of the two versions he edited and published, admits that 'certain chapters of B (the manuscript dated 1469) appear to be older than those of A (the manuscript of 1512), as appears from both the linguistic and certain other characteristics, but the clarification of this issue requires both time and an extension of the limits of this introduction that would be greater than what is proper'.<sup>13</sup> C. Yianguoullis likewise states that it is difficult to determine which of the two manuscripts edited and published by Sathas is the older, although he considers that the manuscript dated 1469 presents a more developed version of the Cypriot dialect.<sup>14</sup> Since Sathas, however, published the manuscript dated 1512 as the 'First Version' (Διασκευή Α'), for ease of reference to his edition it is here described as Codex One of the Greek text.

The manuscript Sathas edited and published as the 'Second Version' (Διασκευή Β') is the Ms Paris, Bibliothèque Nationale de France, Grec 1390, formerly classified as Colbert 4723. It consists of 210 leaves of paper measuring 205 mm by 140 mm bound in old red Moroccan leather and is dated the last day of October 1469, this date being located on folio 209 recto.<sup>15</sup> This manuscript contains the Greek text written by Anthony Syngritikos, numbering 298 chapters, and in 1877 it was edited and published by C. Sathas in *Bibliotheca graeca medii aevi* (Μεσαιωνική Βιβλιοθήκη), vol. VI, pp. 249-497. Sathas titled it the 'Second Version' (Διασκευή Β') because, notwithstanding the earlier date it had in comparison to the manuscript dated 1512, he considered it as postdating it on linguistic grounds, although with reservations, as has been mentioned above. For ease of reference to Sathas' edition it is here described as Codex Two of the Greek text.

Turning to the two Greek manuscripts which are no longer extant, one notes that one of them, kept at the Great Lavra Monastery on Mt Athos in Greece and which mysteriously disappeared in around 1839, had likewise been copied in 1512, like the Ms Paris, Bibliothèque Nationale de France, Grec suppl. 465, and had the same number of chapters as this manuscript. It had an octavo format, and the first 61 chapters of this manuscript were described and edited by C.E. Zacharias von Lingenthal in *Juris graeco-romani Delineatio*, pp. 139-190.<sup>16</sup> On the basis of his description both

12. K. Hadjioannou, 'The Beginning of the Modern Greek Cypriot Dialect as it appears in the Greek Text of the Assizes, in the 13th Century AD', in *idem.*, *Ta en Diaspora A'*, 1933-1969 (Nicosia, 1990), p. 509.

13. Sathas, *Μεσαιωνική Βιβλιοθήκη*, VI, 99 (Introduction).

14. C. Yianguoullis, *Ασίζες του Βασιλείου της Κύπρου, ερμηνευτικό και ετυμολογικό γλωσσάριο, με εισαγωγικό σημείωμα* (Nicosia, 1993), p. 9.

15. Grandclaude, 'Classement sommaire', p. 463.

16. I have not been able to examine von Lingenthal's edition, and my comments are based on Sathas (*Μεσαιωνική Βιβλιοθήκη*, VI, 85 and 97-98), Grandclaude ('Classement sommaire', p. 464) and Grivaud

J. Darrouzès and M. Grandclaude considered it to be identical as a manuscript with the Ms Paris, Bibliothèque Nationale de France, Grec suppl. 465, although both C. Giraud and Sathas maintain that it is a distinct albeit very similar manuscript. Giraud maintained that the omission of Chapter 29 in the lost manuscript dated 1512, which is given in full in the Ms Paris, Bibliothèque Nationale de France, Grec suppl. 465, indicates that the lost manuscript was copied from the surviving manuscript dated 1512. This argument, however, is unconvincing.<sup>17</sup>

Notwithstanding the identical date, Sathas considered the lost manuscript dated 1512 on linguistic grounds to be the oldest of all the three surviving Greek manuscripts. He provides an appendix in which the variations in spelling between the first 61 chapters of both the surviving manuscript dated 1512 and the lost one of the same date are listed. By comparing the morphology of certain French loan words he discovered that their forms in the lost manuscript were closer to the original French than their corresponding forms in the Ms Paris, Bibliothèque Nationale de France, Grec suppl. 465. For example the loan words *κουστούμε* (French *coustume*), *αφαμπαλιέρης* (French *avant-parlier*) and *αβαβοέ* (French *avant voeu*) found in the lost manuscript dated 1512 are closer to their French originals than the corresponding words *κουστούμιν*, *αφαμπαλιέρης* and *αρραβώνα*, found in the Ms Paris, Bibliothèque Nationale de France, Grec suppl. 465, and in this respect Sathas is probably right in maintaining that the lost manuscript dated 1512 is an older copy than the two surviving manuscripts which he edited.<sup>18</sup> Sathas is mistaken, however, in arguing that the Greek letters *vv* used in the lost manuscript dated 1512 indicate that it was written in the thirteenth century, on the grounds that the letters in question are an abbreviation for the Byzantine term *nomisma*, which in the following centuries was replaced by the term *hyperpera*. The term *nomisma* was replaced as a monetary unit by the term *hyperpera* as early as the time of the emperor Alexius Comnenus, at the end of the eleventh century.<sup>19</sup>

A fourth Greek manuscript of the *Livre des Assises des Bourgeois* in the form of a seventeenth century copy measuring 21.2 by 15.3 cm, consisting of thick wooden boards bound with hide survived in the Mega Spelaion Monastery in the Peloponnese. Described by N. Bees, it provided a text distinct in some respects from those mentioned above, for in the preamble it specifically mentioned Godfrey de Bouillon as 'the thrice reverend lord and guide of the kingdom of Jerusalem', unlike the preamble to the Ms. Paris, Bibliothèque Nationale de France, Grec suppl. 465 which simply mentions him as 'count and commander of the fleet and armed force

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(‘Ο πνευματικός βίος και η γραμματολογία κατά την περίοδο της Φραγκοκρατίας’, *Ιστορία της Κύπρου*, V, *Μεσαιωνικόν Βασίλειον*, Ενετοκρατία, ed. Th. Papadopoulos (Nicosia, 1996), p. 1004 and note 158).

17. C. Giraud, ‘Du droit français dans l’Orient au moyen age et de la traduction grecque des assises de Jérusalem’, *Séances et travaux de l’Académie des sciences morales et politiques* (12 Nov. 1842), ii (Paris, 1842), 37-38.

18. Sathas, *Μεσαιωνική Βιβλιοθήκη*, VI, 85 and 97 (Introduction), and pp. 586-594.

19. Sathas, *Μεσαιωνική Βιβλιοθήκη*, VI, 97-98; Grivaud, ‘Ο πνευματικός βίος’, p. 1005.

that captured Syria', or the preamble to the Ms. Paris, Bibliothèque Nationale de France, Grec 1390 which omits all mention of him.<sup>20</sup> This manuscript contained a total of 298 articles, in common with the Ms. Paris, Bibliothèque Nationale de France, Grec 1390. The rubrics of the first and final articles differ in style from those of the corresponding articles in the Ms. Paris, Bibliothèque Nationale de France, Grec suppl. 465, while the rubric of the final article is virtually identical to that of the final article in the Ms. Paris, Bibliothèque Nationale de France, Grec 1390.<sup>21</sup> This suggests that this seventeenth century manuscript was linguistically closer to the latter. Unfortunately, however, this cannot be proven conclusively, for the manuscript was lost in a fire that broke out at the monastery.<sup>22</sup>

The language found in the surviving Greek manuscripts of the Assizes edited by Sathas, as well as in the 61 edited chapters of the lost Greek manuscript dated 1512, has historical importance in providing valuable evidence for the evolution of the Greek dialect of the Lusignan Kingdom of Cyprus, although it is unfortunate that all the manuscripts surviving fully or in part, dated 1469 and 1512, provide no information as to whether they were direct translations from the French or were simply copied from earlier and now lost Greek manuscripts. The relatively late dates given in the surviving Greek manuscripts, 1469 being at the very end of the period of Lusignan rule, and 1512 well within the period of Venetian rule, do not help one to determine when exactly the first Greek translation from the French was undertaken.<sup>23</sup> Hadjioannou has observed that certain linguistic features of the Greek texts indicate a form of Greek older by two hundred years than the Greek of the chronicle of Leontios Makhairas. Among the examples he gives are the frequent use in the Greek of the Assizes of the negative particles μηδέν, ουδέν and ουκ, pointing out that the particle ουκ occurs only once in the Chronicle of Makhairas, where the more modern form δεν is used throughout. Likewise the interrogative τείντα and the word εν τω άμα (= together) also occurring frequently in the Greek of the Assizes are usually found in the Chronicle of Makhairas in their more modern forms είντα and αντάμα.<sup>24</sup> While this shows that certain features of the Greek of the two published manuscripts of the Assizes are older than those found in the published manuscripts of Makhairas, one must bear in mind that the two manuscripts used by both Sathas and R.M. Dawkins in their editions of this chronicle both date from the sixteenth century. Therefore Hadjioannou's assertion that 'if Makhairas had written his chronicle circa 1450, [the] translation of the Assizes must have been made in about 1250', is highly questionable. If certain features of the Greek in the manuscripts of the Assizes edited and published by Sathas predate the Greek of the sixteenth century manu-

20. For purposes of comparison see N. Bees, 'Τα χειρόγραφα του Μεγάλου Σπηλαίου και οι Ασοίξεις της Ιερουσαλήμ', *Νέα Εστία*, Vol. 56, issue no. 659 (Athens, Dec. 1954), 55; Sathas, 'Ασοίξεις της Κύπρου Α'', pp. 3 and 24, and 'Ασοίξεις της Κύπρου Β'', p. 273.

21. Bees, 'Τα χειρόγραφα', p. 55; Sathas, 'Ασοίξεις της Κύπρου Α'', pp. 3 and 23 and 'Ασοίξεις της Κύπρου Β'', p. 272.

22. Bees, 'Τα χειρόγραφα', p. 55.

23. Grivaud, 'Ο πνευματικός βίος', p. 1004.

24. Hadjioannou, 'The Greek text of the Assizes', pp. 509-510.

scripts by two hundred years, then these features could well date from the early to mid-fourteenth century, and not as far back as 1250.<sup>25</sup>

The problem in dating the Greek of the two published manuscripts of the Assizes, and even the Greek of the lost manuscript of 1512 partially edited by Lingenthal, is compounded by the fact that the language in all three manuscripts is inconsistent and containing numerous errors as regards spelling and syntax, a feature pointed out by Sathas, Lingenthal and Hadjioannou in their editions or discussions of the three Greek manuscripts discussed above.<sup>26</sup> The fact that the Greek found in these three manuscripts is the Greek used in translating a French text, full of legal terms with no Greek equivalents, also means that it does not wholly represent the Greek spoken at the time it was written or copied. The Greek found in the two surviving manuscripts of the assizes and in the lost but partially edited manuscript of 1512 represents a language in a state of flux.<sup>27</sup> Indeed, the fact that the Greek found in each of the three manuscripts, those dated 1512 and that dated 1469, differs from the Greek found in the other two underlines this fact. From a historical perspective, however, this makes the language found in these manuscripts even more significant, for it illustrates the development of the Greek dialect of Lusignan, and possibly Venetian, Cyprus over several centuries, notwithstanding the problems present, for the reasons discussed above, in dating this language with chronological precision.

In preparing the English translation I have utilized the two extant Greek manuscripts edited and published by C. Sathas, with footnote references throughout to E.H. Kausler's edition of the French text at those points where the Greek manuscripts diverge from it. In both the published Greek manuscripts, containing 298 and 297 chapters respectively, as mentioned above, the chapters, or articles as the Greek chapters shall be called from now on so as to distinguish them from the chapters of the French manuscripts, are organized into the following groupings.

- I. Regarding the dispensation of justice, the personnel of the courts, and the submission of claims (Codex One, Articles 1-24; Codex Two, Articles 1-25)
- II. Regarding purchases and sales (Codex One, Articles 25-39; Codex Two, Articles 26-40)
- III. Regarding sailors and goods sent by sea (Codex One, Articles 40-47; Codex Two, Articles 41-48)
- IV. Regarding loans and the nationality of the persons offering testimony (Codex One, Articles 48-62; Codex Two, Articles 49-64)

25. Leontios Makhairas, *Recital concerning the Sweet Land of Cyprus entitled 'Chronicle'*, ed. R.M. Dawkins, 2 vols. (Oxford, 1932), II, 1-2.

26. Sathas, *Μεσαιωνική Βιβλιοθήκη*, 95-96 (Introduction); Grivaud, 'Ο πνευματικός βίος', p. 1005 and note 164; Hadjioannou, 'The Greek Text of the Assizes', pp. 510-511.

27. Hadjioannou, 'The Mediaeval and Modern Greek Cypriot Dialect', in *Τα εν Διάσπορά Α' των ετών 1933-1969* (Nicosia, 1990), pp. 494-495; *idem.*, 'The Greek text of the Assizes', p. 511; Yiangoullis, *Αιζες*, p. 8 and note 4.



- V. Regarding guarantors and securities (Codex One, Articles 63-81; Codex Two, Articles 65-83)
- VI. Regarding servants and things hired out (Codex One, Articles 82-100; Codex Two, Articles 84-99)
- VII. Regarding things given in trust (Codex One, Articles 101-104; Codex Two, Articles 100-103)
- VIII. Regarding associations formed by people (Codex One, Articles 105-107; Codex Two, Articles 104-105)
- IX. Regarding agreements concluded by people (Codex One, Articles 108-110; Codex Two, Articles 106-108)
- X. Regarding parties to a case who have been summoned to court (Codex One, Articles 111-129; Codex Two, Articles 109-126)
- XI. Regarding oral and written testimonies, and judicial duels (Codex One, Articles 130-144; Codex Two, Articles 127-141)
- XII. Regarding disputes over properties and boundaries (Codex One, Articles 145-149; Codex Two, Articles 142-146)
- XIII. Regarding marriages (Codex One, Articles 150-174; Codex Two, Articles 147-172)
- XIV. Regarding wills and bequests (Codex One, Articles 175-197; Codex Two, Articles 173-195)
- XV. Regarding slaves and manumissions (Codex One, Articles 198-203; Codex Two, Articles 196-201)
- XVI. Regarding gifts and claims over property (Codex One, Articles 204-218; Codex Two, Articles 202-216)
- XVII. Regarding lost or stolen goods (Codex One, Articles 219-223; Codex Two, Articles 217-221)
- XVIII. Regarding doctors (Codex One, Articles 225-227; Codex Two, Articles 223-226)
- XIX. Regarding disinheritance (Codex One, Articles 228-229; Codex Two, Articles 226-227)
- XX. Regarding goods stolen or spirited away (Codex One, Articles 230-244; Codex Two, Articles 228-242)
- XXI. Regarding crimes of violence and capital offences (Codex One, Articles 247-264; Codex Two, Articles 245-262)
- XXII. Regarding evildoers (Codex One, Articles 267-275; Codex Two, Articles 265-273)
- XXIII. Regarding fines and dues payable (Codex One, Articles 276-287; Codex Two, Articles 274-285)
- XXIV. Laws regarding the market-place (Codex One, Articles 288-297; Codex Two, Articles 286-298)



Certain articles in the assizes do not fall into any of the categories listed above. Such are the articles on the appointment of arbitrators by both parties for settling a dispute (Codex One, Article 224; Codex Two, Article 222), the building of houses on land leased from someone else (Codex One, Article 245; Codex Two, Article 243) and extending the first floor of someone's house so that it overhangs the public way (Codex One, Article 246; Codex Two, Article 244). Also to be included are the articles on assessors refusing to heed a summons to defend an orphan (Codex One, Article 265; Codex Two, Article 263) and on the appropriation of buried treasure found beneath the ground (Codex One, Article 266; Codex Two, Article 264). In this respect the two published Greek manuscripts of the Assizes resemble the French text, which Joshua Prawer believes as being subdivided into 26 parts known as *tituli*, for in the French text the articles mentioned above likewise do not fit into any of the subdivisions.<sup>28</sup>

As regards the structure and order of the legal subdivisions, the two published Greek manuscripts differ from the French text in only one important respect, namely that the section on the laws regarding the operation of the market place, which in both published Greek manuscripts is the final one, is the twenty-second out of the twenty six sections in the French text (Chapters 236-238).

#### *The French Manuscripts of the Assizes*

At this point one should discuss the surviving French manuscripts of the *Livre des Assises des Bourgeois* and especially the manuscript closest to the two surviving Greek manuscripts translated here. There are three manuscripts containing the French text of the *Livre des Assises des Bourgeois*, two of them in full, and one of them in part. They are as follows:

1. Ms. Venice, *Biblioteca Marciana*, Fr. app. 6
2. Ms. Paris, Bibliothèque de Saint-Germain, Fr. 19026
3. Ms. Munchen (Munich), Munchener Bibliothek, Cod. Gall. 51<sup>29</sup>

Of the above manuscripts, the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6, which originally belonged to John of Norres, the titular count of Tripoli, consists of 99 folios containing exclusively the text of the *Livre des Assises des Bourgeois* in a total of 267 chapters. The manuscript also contains the name of the copyist, Perrin Hémy, the date of 12 February 1436 and a note addressed to the commissioners of Venice. This manuscript was faithfully copied in the seventeenth century, and the copy survives as Ms. Paris, Bibliothèque Nationale de France, Fr. 12207.<sup>30</sup> The first ten folios of the copy contain a list of chapter headings, although Grandclaude does not state whether these were also in the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6.<sup>31</sup>

28. Prawer, 'Sources and the Composition', pp. 370-371.

29. Grandclaude, 'Classement sommaire', pp. 458-459 and 463.

30. Grandclaude, 'Classement sommaire', pp. 463 and 474.

31. Grandclaude, *Etude critique*, pp. 33-34.

Both Foucher and Beugnot used this seventeenth century copy as the basis of their respective editions of the *Livre des Assises des Bourgeois*, which are independent of each other.<sup>32</sup> Neither of them used the original manuscript, although Beugnot mistakenly referred to the Ms. Paris, Bibliothèque Nationale de France, Fr. 12207 as the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6.<sup>33</sup> Kausler, however, edited and published the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6 in smaller type below his publication of the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51, and the two manuscripts are published in parallel in his edition.<sup>34</sup>

The Ms. Venice, *Biblioteca Marciana* Fr. app. 6 was selected by the Venetian commissioners in 1531 to serve as the basis of the official Italian translation of the *Livre des Assises de Bourgeois*, which was published in 1535. Two copies of this Italian translation in manuscript form are in existence. The first of these, the Ms. Venice, *Biblioteca Marciana*, cod. Ital. cl. II, no. 47, dating from 1534, had been translated by the Cypriot chronicler Florio Bustron and was then consigned to the Venetian Council of Ten for preparing the published translation of 1535. The second, the Ms. Paris, Bibliothèque Nationale de France, Ital. 29, also dates from the sixteenth century and appears to be a copy of the Ms. Venice, *Biblioteca Marciana*, cod. Ital. cl. II, no. 47.<sup>35</sup>

The Ms. Paris, Bibliothèque de Saint-Germain, Fr. 19026, which is the second of the three manuscripts mentioned above, contains only part of the *Livre des Assises des Bourgeois*. It dates from the middle of the fourteenth century and its first 16 folios contain in unnumbered form the first 75 chapters of the *Livre des Assises des Bourgeois*. It also contains other legal compilations such as the treatises of John of Ibelin, James of Ibelin, Geoffrey of Tort and Philip of Novarre.<sup>36</sup> These treatises, although they are extremely important for an overall understanding of the legal history of the Latin East, do not concern us here.

The Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 is the oldest of the three French manuscripts containing the *Livre des Assises des Bourgeois*. It is often referred to as the Munich Ms. and E.H. Kausler published it in an excellent edition which, as stated above, also contains the Venice Ms.<sup>37</sup> The main body of the text dates from the early part of the fourteenth century, while a later addition comprising the first fifteen folios with a list of the chapter headings written in Gothic script is also dateable to a later part of the fourteenth century. Folios 16-156, which contain

32. V. Foucher, *Assises du royaume de Jérusalem*, 2 vols. (Rennes, 1840), Pt. I ; M. le Comte Beugnot, 'Assises de la Cour de Bourgeois', *RHC Lois ii* (Paris, 1843).

33. Grandclaude, 'Classement sommaire', pp. 463 and 474.

34. E.H. Kausler, *Les Livres des Assises et des Usages dou Reaume de Jerusalem, sive Leges et Instituta Regni Hierosolymitani*, 2 vols. (Stuttgart, 1839), I (Vol. ii unpubl.).

35. Grandclaude, 'Classement sommaire', pp. 424 and 465; Grivaud, 'Πνευματικός βίος', pp. 1135-1137; Aik. Aristeidou, 'Οι ασσιζες στην Κύπρο κατά τη διάρκεια της Βενετοκρατίας', *EKEE*, XXVII (Nicosia, 2001), 95-101.

36. Grandclaude, *Etude critique*, pp. 31-32 ; *idem.*, 'Classement sommaire', pp. 459-460.

37. See note 34. See also Grandclaude, *Etude critique*, p. 34 and esp. note 2, as well as pp. 65-66.

the text of the *Livre des Assises de Bourgeois*, consisting of a total of 297 chapters written in a rather crude cursive script, have been dated with precision by M. Grandclaude to between the years 1315-1317, and may have been written by Master Andrew the Scribe, a clerk at the Court of the Viscount at Nicosia. The Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 may have been kept for safe-keeping at the office of the clerk of this court, for it begins with the words 'here begins the book of the headings of the assizes of the lower court, that is the court of the viscount of the kingdom of Cyprus'.<sup>38</sup>

The Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 is significantly different from the Ms. Venice Ms. *Biblioteca Marciana*, Fr. app. 6 in that whereas the latter is written entirely in French, the former includes numerous Latin passages in the main text or at the end of the various chapters, Latin chapter headings and even whole chapters written in Latin. It also differs in some respects from the Ms. Paris, Bibliothèque de Saint-Germain, Fr. 19026, especially as regards chapter headings and the numbering of the chapters, inasmuch as the contents of separate chapters in the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 are amalgamated into one chapter in the Ms. Paris, Bibliothèque de Saint-Germain, Fr. 19026. Notwithstanding the above differences, however, the text itself of the Ms. Paris, Bibliothèque de Saint-Germain, Fr. 19026 is very similar to that of the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51. For this reason, it is different to that of the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6 to a considerable degree. The Latin chapters found in the Ms. Munich, Munchener Bibliothek, Cod. Gall. 51 but lacking from the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6 are also found in the Ms. Paris, Bibliothèque de Saint-Germain, Fr. 19026.<sup>39</sup>

The two surviving published Greek manuscripts and the lost one of 1512 partially edited and published by Ligenthal are also remarkably similar as regards the text to the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51, although the numbering of the chapters in the two published Greek manuscripts which I have examined differs from the numbering in the French text of the Codex. The chapters numbered 210, 212-218, 222-226 and 229-233 in the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 are not found in the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6, but all of these chapters are found in the two published Greek manuscripts.<sup>40</sup> Nonetheless it should be pointed out that some of the Latin chapters of the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 are simply alluded to in the two published Greek texts without being translated in full, while Latin phrases and sentences found in the chapters of the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 are usually not translated in the published Greek versions of the Assizes.<sup>41</sup> When the

38. Grandclaude, *Etude critique*, p. 35; *idem.*, 'Classement sommaire', pp. 458-459.

39. *Ibid.*, pp. 51-52.

40. *Ibid.*, p. 53.

41. Grandclaude (*Etude critique*, pp. 53 and 56-57) mistakenly states that all the Latin chapters other than chapter 270 are to be found in the Greek versions, or in either one or the other of them.

Latin passages exist in the published Greek texts, moreover, they are invariably present in Greek translation. The published Greek texts do not contain any Latin or French passages.

Since the Greek manuscripts of the Assizes resemble the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 more closely than the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6, which is the only other manuscript containing the *Livre des Assises des Bourgeois* in full, I have referred to Kausler's edition of the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 throughout when comparing the Greek translations to the French text of the *Livre des Assises des Bourgeois*. It should be stressed here, however, that the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 is also intrinsically superior to the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6. Both Beugnot and Foucher, who produced editions of the *Livre des Assises des Bourgeois* using the Ms. Paris, Bibliothèque Nationale de France, Fr. 12207, the seventeenth century copy of the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6 as mentioned above, were of the opinion that since it was written entirely in French it was superior to the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51. Kausler, who produced an extremely precise and complete edition of the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51, as well as of the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6, challenged this viewpoint.<sup>42</sup> M. Grandclaude has shown in his critical study on the books of the Assizes of the kingdom of Jerusalem that although the chapter headings of both the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 and the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6 diverge from those given in the tables of contents found at the beginning of both manuscripts, and although in both manuscripts the subdivisions of the subject matter differ, the amalgamations of separate chapter headings and the differences between the headings found at the beginning of various chapters of the text and those found in the lists of chapter headings at the beginning of both the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 and the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6 are greater in the case of the latter manuscript. This in itself suggests, although it cannot conclusively prove, that the former manuscript is closer to the now lost original French compilation of the *Livre des Assises des Bourgeois* than is the latter manuscript.<sup>43</sup>

Turning to the number of chapters, one observes that the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 has 297 chapters, while the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6 has only 267. While the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6 has six chapters (nos. 196, 198, 202, 213, 236 and 267) found in neither the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 nor in the two surviving Greek manuscripts edited and published by Sathas, the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 has 30 chapters, 18 in Latin and twelve in French, not found in the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6 (Latin chapters 13, 22, 42, 65, 85, 103, 108, 111, 116, 134, 150, 155, 176, 181, 210, 225, 256, 270 and French chapters 212-217 inclusive, 222, 224 and 229-232 inclusive).<sup>44</sup> Some of

42. Grandclaude, *Etude critique*, p. 54 and notes 1-3.

43. *Ibid.*, pp. 54-56.

44. *Ibid.*, p. 56.



the Latin chapters and all of the French chapters not found in the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6 can be found in either one or the other of the two surviving Greek manuscripts of the Assizes edited and published by C. Sathas.<sup>45</sup> This comparison indicates that the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 is a more complete version of the *Livre des Assises des Bourgeois* than the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6, while also showing that the two surviving Greek versions edited and published by Sathas are closer to the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 than they are to the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6.

The Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 has no less than 19 chapters written in Latin, 15 Latin phrases in the middle of chapters written in French, and 88 Latin phrases or complete sentences at the end of chapters written in French.<sup>46</sup> There are, moreover, a number of chapter headings that include Latin phrases in them. M. Grandclaude has put forward the persuasive supposition that the Latin chapters and the Latin passages in the middle of French chapters constitute part of the original text of the Assizes, whereas the Latin phrases or sentences at the end of various French chapters were originally marginal notes made by readers which were subsequently transcribed at the end of the chapters by a copyist who did not properly comprehend them. The Latin chapters have as their purpose the indication of the subject matter to be dealt with in the French chapters following them, and its explanation with the aid of passages taken from Roman law and biblical texts. As for the Latin passages found in the middle of the French chapters, they are mostly citations from Roman law or from various authors and they likewise assist in the understanding of the subject matter, with the exceptions of chapters 126, 149 and 288, where the Latin passages are not extracts from Roman law or the Bible and appear to be interpolations placed there by a copyist. Virtually all the Latin passages appearing at the end of French chapters were originally marginal notes. They do not contribute towards a better understanding of the chapters, with the exception of those at the end of chapters 8 and 38, although whether they too were initially marginal notes or not is a moot point.<sup>47</sup>

### *Differences between the Greek and the French Manuscripts*

To what extent do the two Greek manuscripts published by C. Sathas and translated here incorporate the Latin chapters and passages found in the Ms. Munchen,

45. Articles 206-211, 216, 218 and 223-226 in Codex One of the Greek text in translation (henceforth Codex One) and Articles 204-209, 214, 216 and 221-224 in Codex Two of the Greek text in translation (henceforth Codex Two) correspond to the French chapters in the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 not found in the Ms. Venice, *Biblioteca Marciana*, Fr. app. 6. For the Latin chapters also found in the two Greek translations see below.

46. Chapters 13, 22, 42, 65, 85, 103, 108, 111, 116, 134, 150, 155, 176, 181, 210, 225, 239, 256, and 270 are entirely in Latin, Chapters 1-3, 7, 9, 14, 21, 24, 43, 76, 126, 149, 156, 188 and 211 have Latin passages in the middle, and Chapters 8, 27-30, 38, 46, 63, 70-71, 73-74, 77-78, 82-83, 86-87, 89-90, 93-94, 96-97, 101-102, 115, 117-118, 129, 133, 135-140, 145-149, 151-154, 177-180, 183, 187, 190-191, 193, 211-212, 218-221, 224, 227-228, 242-250, 257-258, 260-266, 269, 271-273, 279 and 282 all have Latin passages at the end. Grandclaude (*Etude critique*, p. 58) mentions 16 chapters with Latin passages in the middle, but I have found only 15.

47. Grandclaude, *Etude critique*, pp. 57-61 and 64-65.

Munchener Bibliothek, Cod. Gall. 51? As regards the Latin sentences or phrases found at the end of 88 French chapters the Ms. Paris, Bibliothèque Nationale de France, Grec, suppl. 465 dated 1512, which is Codex One of the published Greek assizes, translates only those at the end of the French chapters 8 and 38 (Codex One, Articles 8 and 36). These incidentally are the most useful of all the Latin phrases for acquiring a general understanding of the chapters they are in.<sup>48</sup> The Ms. Paris, Bibliothèque Nationale de France, Grec, 1390 dated 1469, which is Codex Two of the published Greek assizes, translates the Latin passages at the end of the French chapters 8, 220, 262 and 265 (Codex Two, Articles 8, 212, 251 and 254). Concerning the 15 Latin passages found in the middle of various French chapters, both Codex One and Codex Two of the Greek assizes translate only the Latin biblical passage found in Chapter One of the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51, (Codex One, Article 1; Codex Two, Article 1). In most of the other French chapters the Latin passages are immediately followed by a French explanation, and this is what the two published Greek manuscripts translate. No Greek translation at all, however, is offered for the Latin passages in the middle of the French chapters 76, 126, 149 and 211, which do not have an accompanying French explanation.

In his critical study of the various books of the assizes of the kingdom of Jerusalem M. Grandclaude stated that the two published Greek manuscripts of the assizes translate into Greek all the Latin chapters found in the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51.<sup>49</sup> In this, as pointed out above, he was mistaken.<sup>50</sup> Four out of the 20 Latin chapters found in the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 are translated in both Codex One and Codex Two of the published Greek manuscripts of the assizes. These are chapters 13, 42, 50 and 210 (Codex One, Articles 13, 40, 48 and 204; Codex Two, Articles 13, 41, 49 and 201). A further four Latin chapters in the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51, Chapters 176, 225, 239 and 256 are translated in Codex Two of the Greek assizes (Codex Two, Articles 168, 217, 228 and 245). One can conclude from the above that Codex Two of the Greek assizes, the manuscript dated 1469 and written by Anthony Syngritikos, is superior to Codex One inasmuch as it contains more translations from the Latin both as regards chapters and as regards Latin sentences or passages found at the end of French chapters. In Codex One of the Greek assizes twelve Latin chapters not translated are nonetheless specifically alluded to, while in Codex Two seven Latin chapters not translated are specifically alluded to.<sup>51</sup> Codex One of the published Greek assizes omits all mention of four Latin chapters found in the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51. Codex Two of the published Greek assizes omits all mention of five such chapters.<sup>52</sup>

48. *Ibid.*, p. 58 and note 1.

49. *Ibid.*, pp. 53, 56-57 and 60.

50. Giraud, 'Du droit français dans l'Orient', p. 39 observed that Latin passages in the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 were not present in the Greek translations.

51. Articles 83, 100, 105, 112, 130, 145, 150, 170, 175, 219, 231 and 247 in Codex One and Articles 65, 84, 100, 104, 127, 142 and 147 in Codex Two all allude to Latin chapters.

52. Latin chapters 22, 65, 111 and 270 are not mentioned in Codex One, and Latin chapters 22, 111, 116, 181 and 270 are not mentioned in Codex Two.

Given these omissions, one may ask here how it is possible for the two Greek manuscripts of the assizes to contain the same or a greater number of articles as the corresponding number of chapters in the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51. Codex One of the Greek translation contains 297 chapters, Codex Two contains 298 chapters, while the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 likewise has 297 chapters. The answer to this question lies in the fact that certain of the French chapters form more than one article in the two published Greek manuscripts, or vice-versa.<sup>53</sup> These differences in the numbering of the chapters do not in any way detract from the fact that the contents of the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 and that of the two published Greek manuscripts of the assizes are virtually identical, barring the omission of Latin chapters and other Latin passages.

There remains the question of the Latin chapter headings found in the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51. These chapter headings are usually followed by a French translation and an explanation of their meaning, and in the two published manuscripts of the Greek assizes it is the French translations of the chapter headings that are generally rendered into Greek, not the Latin chapter headings themselves. On occasion, however, when the Latin chapter heading simply states 'Item, hic est de eodem' or something similar, this is rendered into Greek in the corresponding Greek article of both published manuscripts of the Greek assizes. Hence the Latin chapter headings of chapters 93, 137 and 280 are rendered into Greek (See Codex One, Articles 90, 132 and 270; Codex Two, Article 90).

It is clear from the above that the majority of Latin chapters and passages in the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 were not translated into Greek in either of the two published manuscripts of the Greek assizes, and one asks why this was so. One reason is that the Latin passages were taken, at least in part, from classical Roman law.<sup>54</sup> Notwithstanding the undoubted prestige which Roman law had in the eyes of the medieval jurists, it must be stressed that Roman law did not invariably reflect the customary practices of the later middle ages, and that Latin medieval jurisprudence in the kingdom of Jerusalem and in Cyprus was far from being heavily Romanised.<sup>55</sup> The *Assises de la Haute Cour*, which dealt with feudal custom and with questions of succession to fiefs and to the throne, the fourteenth cen-

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53. In Codex One Articles 63, 130 and 231 correspond to Chapters 65-66, 134-135 and 239-240 of the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51, while Articles 288-294 and 295-296 correspond to Chapters 236 and 237 of the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51. In Codex Two Articles 22, 65, 84, 100, 104, 106, 110 and 127 correspond to Chapters 22-23, 65-66, 85-86, 103-104, 108-109, 111-112, 116-117 and 134-135 of the Cod. Gall. 51, while Articles 62-63, 179-180, 286-294 and 295-297 correspond to Chapters 63, 188, 236 and 237 of the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51. Giraud, 'Du droit francais dans l'Orient', pp. 38-40 also noted that on occasion a chapter in the French versions formed two chapters in the Greek translations, or vice-versa, notwithstanding the similarity in the total number of chapters in the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 and in the two published Greek manuscripts.

54. Grandclaude, *Etude Critique*, pp. 58, 60 and 64.

55. Prawer, 'Sources and Composition', pp. 366-386; Grandclaude, *Etude critique*, pp. 123-127.

tury *Livres du pledeant et du plaidoyer*, and private charters of the same period have virtually no allusions to written Roman law, and the same can be said of the royal ordinances promulgated on Cyprus in the course of the fourteenth century and implemented by the Court of Burgesses.<sup>56</sup>

Indeed one wonders whether those Latin chapters present in the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 introducing specific topics of law, such as property disputes, the testimony of witnesses, fines or crimes of violence, do not represent an attempt by the anonymous author of the *Livre des Assises des Bourgeois* to place non-feudal medieval law within a framework of Roman law. This would explain why certain of the laws found in the *Livre des Assises des Bourgeois* are out of place in the divisions into which they have been placed.<sup>57</sup> The persons translating these assizes into Greek may have deliberately omitted a large number of the Latin chapters, or else simply have referred to them in passing, because they realized their fundamental irrelevance to the subject matter that followed. Grandclaude has rightly pointed out that some of the Latin chapters in the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 may have been introduced subsequently on account of the prestige which the *Livre des Assises des Bourgeois* acquired, and that where the author invokes Roman or canon law in certain chapters so as to explain and legitimize the customary law of his time it is usually easy to distinguish the latter from the former. Grandclaude goes on to state that the chapters reproducing solely the customary law, which incidentally are the most numerous, are the ones that give the *Livre des Assises des Bourgeois* their greatest value.<sup>58</sup> The persons translating these assizes into Greek may well have thought the same, and one notes that the Ms. Paris, Bibliothèque Nationale de France, Grec suppl. 465 dated 1512 (Codex One) has even fewer Latin passages and chapters translated than the Ms. Paris, Bibliothèque Nationale de France, Grec 1390 dated 1469 (Codex Two).

#### *The Location, Jurisdiction and Personnel of the Burgess Courts on Cyprus*

Since our exclusive concern here is the legislation or assizes applied by the burgess court, known as the *Cour des Bourgeois*, we shall now turn to examine the location and composition of burgess courts on Cyprus, the role of the burgesses themselves in the enactment of legislation, and the areas of legislation dealt with by such courts. Firstly, however, it must be stressed that the laws applied in both the High Court (*Haute Cour*) of Nicosia and in the various burgess courts (*Cours de Bourgeois*) of Nicosia and other cities of Cyprus derived from those of the Latin kingdom of Jerusalem, which had been established in 1099 as a result of the First Crusade, during which Latin Christians originating chiefly from France and Flanders

56. Grivaud, 'Ο πνευματικός βίος', pp. 992-1002 and esp. pp. 995, 998-999 and 1001; Richard, 'Το δίκαιο του μεσαιωνικού βασιλείου' pp. 376-379 and 382; Grandclaude, *Etude critique*, p. 124 ;

E.H. Kausler, 'Ordenemens de la Court dou vesconte', *Les livres des Assises et de Usages du Reaume de Jérusalem I*, (Stuttgart, 1839), 403-424.

57. Grandclaude, *Etude critique*, pp. 64-65 and 124-125; Prawer, 'Sources and Composition', 369-371.

58. Grandclaude, *Etude critique*, pp. 125-126.



conquered the coastal areas of Syria and Palestine from the Muslims.<sup>59</sup> Cyprus was conquered by the Latin Christians under the command of King Richard I of England nearly one hundred years later, in 1191, and until then the island had not been under Muslim control, but was part of the Byzantine Empire, although from 1184 onwards Byzantium lost control of the island on account of the rebellion of Isaac Comnenus, a member of the Byzantine imperial house who had arrived on Cyprus in 1183 and had then proclaimed himself emperor.

Following the Latin conquest, Cyprus in 1192 came under the control of Guy of Lusignan, himself a king of Jerusalem who had been effectively dispossessed of his kingdom on account of the conquests effected in 1187 by the Muslim leader Saladin, as well as because of the support given by the kings of England and France and many of the lords of Latin Syria to Count Henry of Champagne when he married the recently widowed Queen Isabella of Jerusalem. Many of the nobles and burgesses settling in Cyprus from 1192 onwards, including followers of Guy, came over to the island from Latin Syria.<sup>60</sup> Up until the civil war of 1228-1233 between those barons supporting the papacy and the powerful Ibelin faction and those supporting the German emperor Frederick II, who was the formal suzerain of Cyprus, the laws of Cyprus appear to have been similar but not identical to those of the kingdom of Jerusalem. From 1233 onwards, however, following the fall of Kerynia and the defeat of Frederick II's supporters in Cyprus and subsequently in Latin Syria, the two Latin kingdoms of Jerusalem and Cyprus were observing the same laws, for by that time King Henry II of Cyprus and his liege-men had sworn to observe the assizes of Jerusalem.<sup>61</sup> King Hugh III of Cyprus, who reigned from 1267 to 1284, as well as the celebrated Latin jurists Philip of Novarre and Geoffrey of Tort all affirmed that it was obligatory on Cyprus to observe the laws of the kingdom of Jerusalem. Cypriot legal institutions, such as those of the High Court and the Court of the Burgesses, were modelled on those existing in the kingdom of Jerusalem, but were nonetheless separate entities, applying the same or similar legislation as their counterparts on the mainland of Latin Syria without being jurisdictionally subordinate to them.<sup>62</sup>

According to the assizes, the viscounts were appointed by the king and had to be of a high moral calibre. They were assisted in their duties, and in particular in the passing of judgement, by a group of twelve assessors, called *jurati* in Latin and κριταί in Greek.<sup>63</sup> While the viscount presided over them, and saw to the implementation of the judicial decisions passed by them, he did not participate in person in the

59. Sathas, 'Ἀσσιζαὶ τῆς Κύπρου Α', p. 24; Grandclaude, *Etude critique*, pp. 114-118.

60. Edbury, *Kingdom of Cyprus*, pp. 1-22 and 26-29.

61. 'Livre de Jean d'Ibelin', ed. M. le Comte Beugnot, *RHC Lois*, I (Paris, 1841), Chapter 239, pp. 383-384; 'Livre de Philippe de Navarre', ed. M. le Comte Beugnot, *RHC Lois*, I (Paris, 1841), Chapter 38, pp. 515-516; Grandclaude, *Etude critique*, pp. 115-117.

62. P. Edbury, 'John of Jaffa and the Kingdom of Cyprus', *EKEE*, XXIII (1997), 25-26.

63. Kausler, 'Assises de la Baisse Court', Chapters 3-4; Codices One and Two, Articles 3-4; J. Richard, 'Le peuplement latin et syrien en Chypre au XIIIe siècle', in *Croises, Missionnaires et Voyageurs VII* (London, 1983), 161; Grandclaude, *Etude critique*, p. 14.

deliberations of the assessors, but was simply notified subsequently of the decision they had reached.<sup>64</sup> The assessors, who were also chosen by the king from among the burgesses, likewise had to be of a high moral standing.<sup>65</sup> The viscount, chosen by the king from among his liegemen, took an oath in person to him, while the assessors and the scribe of the court who assisted the viscount in his judicial responsibilities likewise performed their respective duties under oath.<sup>66</sup> The viscount was obliged to enquire over the promulgation of new royal ordinances on a daily basis and to preside over judicial hearings with the assessors three times a week. On Mondays and Wednesdays he presided over such hearings along with two assessors, while on Fridays he did so along with all twelve of them. His powers were wide ranging, and included police as well as judicial duties, for he was also responsible for the maintenance of public order, the control of burial places and the cleaning of streets. Two companies consisting of 23 sergeants with police powers were placed under his command so as to assist him in the daily administration. Their commanding officer, the *muhtasib*, was likewise subordinate to the viscount. In conjunction with the *muhtasib* and the sergeants the viscount patrolled the streets of the town under his jurisdiction every other evening, arrested malefactors and had them brought to court.<sup>67</sup> He was responsible for receiving wills, as is confirmed by a notarial deed of 28 October 1296, and for having the royal proclamation announced at the beginning of every year. Other responsibilities included the care of royal properties within his area of authority, the supervision of the revenues and rents collected from them, and the sale of burgess tenures on behalf of the royal domain. An account of the viscount's administration was submitted to the royal financial office, known as the *secrète*, every three months.<sup>68</sup>

As regards the location of the courts, in the thirteenth century both Nicosia and Famagusta had burgess courts presided over by viscounts. Nicosia was the capital of both Lusignan and Venetian Cyprus, while by the end of the thirteenth century Famagusta had developed into the main commercial port of Cyprus, a development accelerated by the loss of Acre, Tyre and other Latin towns in Syria and Palestine to the Muslims from 1260 to 1291.<sup>69</sup> Several notarial deeds in the published acts of the Genoese notary Lamberto di Sambuceto, who was living and working in Famagusta between 1296 and 1307, refer both to the existence of the burgess court in the city

64. Kausler, 'Assises de la Baisse Court', Chapter 151; Codex One, Article 146; Codex Two, Article 143.

65. Kausler, 'Assises de la Baisse Court', Chapter 7; Codices One and Two, Article 7.

66. 'Abrégé du livre des assises de la cour des bourgeois', ed. M. le Comte Beugnot, *RHC Lois*, II (Paris, 1843), Chapters 3-4, pp. 237-238; 'Bans et ordonnances des rois de Chypre', ed. M. le Comte Beugnot, *RHC Lois*, II (Paris, 1843), Chapter 3, p. 358; Kausler, 'Ordenemens de la court du vesconte', Chapters 352-353, pp. 403-404.

67. 'Abrégé du livre des assises', Chapters 5-7, pp. 238-241.

68. 'Abrégé du livre des assises', Chapters 7 and 25-26, pp. 241 and 255-256; Pietro Valderio, *La Guerra di Cipro*, ed. G. Grivaud and N. Patapiou (Nicosia, 1996), pp. 4 and 6 (Introduction); Edbury, *Kingdom of Cyprus*, pp. 191 and 193-194.

69. D. Jacoby, 'The Rise of a New Emporium in the Eastern Mediterranean: Famagusta in the Late Thirteenth Century', *MY*, I (Nicosia, 1984), 143-179.

and to some of this court's officers, as well as to the *jurati* of the court presided over by the castellan of Famagusta.<sup>70</sup> It is not known when exactly the burgess court at Famagusta was established, but it is likely to have been during the first part of the reign of King Henry II of Cyprus, that is between 1285 and 1296. Famagusta was developing quickly during this period as the major port of Cyprus, and by creating such a court the king would have granted the town an institution in keeping with its new economic and political standing as a city associated after the loss of Acre and Tyre in 1291 with the Kingdom of Jerusalem and the offices and privileges pertaining to it.<sup>71</sup> By the early fourteenth century, Famagusta also possessed a marine court subject to the castellan of the city, a court for the Syrians, presided over by a *rais* and handling cases concerning the large number of Syrians who had settled there following the loss of Latin Syria to the Muslims, and a commercial jurisdiction handled by the *bailli* of the *commerchium*, which dealt mainly with customs duties.<sup>72</sup> The Court of the Chain mentioned in the *Livre des Assises des Bourgeois* almost certainly corresponded to the marine court mentioned above.<sup>73</sup>

The *Livre des Assises des Bourgeois* also mentions a market court, both in the French text and in the two published Greek manuscripts.<sup>74</sup> The existence of a market court in Famagusta cannot be discounted. Famagusta, the major commercial port of the kingdom to which the judicial institutions of the Kingdom of Jerusalem were effectively transferred following the loss of Acre and of Tyre in 1291, would have been the obvious location for such a court. Nonetheless, there is no supporting documentation to prove their existence in Famagusta or elsewhere, and it is possible that its functions on Cyprus were fulfilled by the Court of Burgesses or even by the *bailli* of the *commerchium*, the court dealing with customs duties as mentioned above.<sup>75</sup>

70. *Notai Genovesi in Oltremare, Atti rogati a Cipro da Lamberto di Sambuceto (11 Ottobre 1296-23 Giugno 1299)*, ed. M. Balard, CSFS 39 (Genoa, 1983), nos. 13, 46 and 155; *Notai Genovesi in Oltremare, Atti rogati a Cipro da Lamberto di Sambuceto (6 luglio-27 Ottobre 1301)*, ed. R. Pavoni, CSFS 32 (Genoa, 1982), nos. 36, 89 and 122; *Notai Genovesi in Oltremare, Atti rogati a Cipro da Lamberto di Sambuceto (Gennaio-Agosto 1302)*, ed. R. Pavoni, CSFS 49 (Genoa, 1987), no. 278; 'Actes passés à Famagouste de 1299 à 1301 par devant le notaire génois Lamberto di Sambuceto', ed. C. Desimoni, AOL, II (Paris, 1884), nos. 114-115 and 118.

71. 'Abrégé du livre des assises', Deuxième partie (La manière dou plaidoyer), Chapter 23, pp. 323-324 and p. 324 note a; Grivaud and Patapiou, *La Guerra*, p. 5; J. Richard, 'La situation juridique de Famagouste dans le royaume des Lusignans', in *Orient et Occident au Moyen Age: Contacts et Relations (XIIe-Xve s.)* XVII (London, 1976, repr. Aldershot 1997), 223-225.

72. CSFS 39, no. 155; CSFS 49, no. 278; Desimoni, 'Actes Génois', no. 118; 'Banns et ordonnances', Chapter 32, pp. 377-378; J. Richard, 'La cour des Syriens de Famagouste d'après un texte de 1448', in *Croisades et états latins d'Orient*, XVII (Aldershot, 1992), 388; Francesco Balducci Pegolotti, *La pratica della mercatura*, ed. A. Evans (Cambridge, Mass. 1936, repr. New York, 1970), pp. 83-89; G. Grivaud, 'Sur le Comerc Chypriote de l'Epoque latine', in *'The Sweet Land of Cyprus', Papers Given at the Twenty-Fifth Jubilee Spring Symposium of Byzantine Studies, Birmingham, March 1991*, ed. A. Bryer and G. Georghallides (Nicosia, 1993), pp. 133-145.

73. Kausler, 'Assises de la Baisse Court', Chapters 43, 45, 47-48 and 284; Codex One, Articles 41, 43, 45-46 and 274; Codex Two, Articles 42, 44, 46-47 and 272.

74. Kausler, 'Assises de la Baisse Court', Chapters 236 and 238; Codex One, Articles 230, 288, 290-294 and 297; Codex Two, Articles 287, 289-293, 296 and 298.

75. Richard, 'La situation juridique de Famagouste', pp. 223-225; Grivaud and Patapiou, *La Guerra*, p. 8; C. Kyrris, 'Bicameralism in Mediaeval Cyprus, 1192-1489', *Δίπτυχα*, V (Athens, 1992-1993), 129; Grivaud, 'Πνευματικός βίος', p. 1007 and note 173.



A notarial deed of 20 May 1297 in the acts of the Genoese notary Lamberto di Sambuceto also refers to the burgess court of the city of Nicosia and its viscount.<sup>76</sup> The fourteenth century legal compilation written on Cyprus and known as the *La maniere du plaidoyer* indicates that the viscount of Famagusta was to some extent dependent on his counterpart in Nicosia, for when the former did not come to obtain a decision from his assessors, the burgess court of Nicosia could take over the proceedings and have them suspended, although this had to be made known to the king.<sup>77</sup> Burgess courts in Cypriot towns other than Nicosia and Famagusta were presided over by a royal official known as a *bailli*. From the early fourteenth century onwards, moreover, only the burgess court of Nicosia had a viscount, for by 1336 no viscount is mentioned for Famagusta, but a *bailli* named Baldwin of Tyre.<sup>78</sup> It is likely that the burgess court of Famagusta initially continued to exist following the Genoese occupation of the town in 1373, under the appellation *corte dei Franchi*. The reason for its existence, however, was probably so that it could bring to conclusion cases involving the town's burgesses which had begun prior to the Genoese occupation, for by the early fifteenth century it appears to have been superseded by the Court of the Captain, the officer appointed by the Genoese at regular intervals to govern Famagusta, and which handled criminal cases and a variety of other issues in accordance with the laws of Genoa.<sup>79</sup>

Civil cases previously handled by the burgess court of Famagusta appear to have devolved on the court of the Syrians, which was now headed by a viscount and also handled cases concerning the Greeks of Famagusta. This arrangement seems to have continued after the Lusignans retook Famagusta from the Genoese in 1464, for the fifteenth century chronicler George Bustron mentions a certain Andreas Kazolis as viscount in November 1473.<sup>80</sup> All the remaining burgess courts, which were located at Famagusta, Karpasia, Limassol and Paphos, were presided over by *baillis*, and evidence from the early fifteenth century shows that in Kerynia the castellan also acted as the president of the burgess court.<sup>81</sup> In the Munich manuscript of the *Livre des Assises des Bourgeois*, dateable to the start of the fourteenth century, and in both the Greek manuscripts edited and published by Sathas the terms viscount and *bailli* are

76. CSFS 39, no. 46.

77. 'Abrégé du livre des assises', Deuxième partie (La maniere dou plaidoyer), Chapter 23, p. 324.

78. Grivaud and Patapiou, *La Guerra*, p. 8 and note 44.

79. C. Otten-Froux, 'Quelques aspects de la justice à Famagouste pendant la période génoise', in *Πρακτικά του Γ' Διεθνούς Κυπριολογικού Συνεδρίου*, 3 vols. (Nicosia, 2001), II, 338-339 and 341-342.

80. *The Chronicle of George Boustronios, 1456-1489*, transl. R.M. Dawkins (Melbourne, 1964), p. 40, where Dawkins translates βισκούντης as sheriff; *Τζώρτζης (Μ)πούστρους, (Γεώργιος Βο(σ)τρ(υ)ηνός ή Βουστρώνιος), Διήγησις Χρονίας Κύπρου*, ed. G. Kehayoglou (Nicosia, 1997), pp. 192-193; Grivaud and Patapiou, *La Guerra*, pp. 10-12.

81. 'Banns et ordonnances', Chapter 32, pp. 377-378; L. de Mas Latrie, *Histoire de l'île de Chypre sous le règne des princes de la maison de Lusignan*, 3 vols. (Paris, 1852-1861), II, 170; 'Nouvelles preuves de l'histoire de Chypre sous le règne des princes de la maison de Lusignan', ed. L. de Mas Latrie, *Bibliothèque de l'Ecole des Chartres*, xxxv (1874), 22-26 [102]-[106]; Edbury, *Kingdom of Cyprus*, pp. 193-194.

strictly synonymous.<sup>82</sup> This would indicate that by the early fourteenth century they were in effect interchangeable, and that the title viscount used for the officer in Nicosia simply indicated a somewhat greater prestige.

Whereas the viscounts or *baillis* of the burgess courts had to be of noble or knightly extraction, this was not true for the assessors, who were drawn from the ranks of the burgess population of Cyprus. As regards their judicial responsibilities, the assessors had to swear an oath of fealty, as mentioned above, and were twelve in number, although the king could increase their number at his pleasure.<sup>83</sup> Their main responsibilities were the offering of advice, to the viscount himself, as regarded his administration of royal properties, and to all burgesses soliciting it, regardless of their condition or gender. Their advice and deliberations had to remain confidential by law.<sup>84</sup> Although, as stated above, it was their task to deliberate and arrive at a decision, which the viscount then implemented, it was possible in certain circumstances for the latter to impose penalties acting on his own authority, and without consulting them. He could do so if his decisions were based on well-established practices, and only as regarded crimes of violence such as assaults and the inflicting of wounds.<sup>85</sup>

In defining the burgesses of Cyprus and Latin Syria one first observes that they had no servile obligations, and so were not subject to the jurisdiction of a feudal lord. Nor were they the subjects of one of the mercantile republics to which certain jurisdictional privileges had been conceded, the Venetians, the Pisans and the Genoese being examples. On Cyprus itself the burgesses were free non-nobles who usually lived in the towns, worked as merchants or artisans, and until the late fourteenth century were mainly of Latin or Syrian extraction, like their counterparts in the Latin kingdom of Jerusalem.<sup>86</sup> The notarial deeds of Lamberto di Sambuceto, who has been mentioned above, refer on occasion to a party to a commercial contract as being a burgess of Famagusta, although this term often denoted permanent residence rather than a particular judicial standing.<sup>87</sup> On Cyprus, however, a fundamental change took place in the ethnic composition of the burgesses between the thirteenth and early sixteenth centuries, something to which we now turn.

Following the conquest of Cyprus from Byzantium in 1191 and the establishment from 1192 onwards of the Lusignan dynasty on the island, Guy of Lusignan,

82. Kausler, 'Assises de la Baisse Court', Chapter 4, pp. 46-47; Codices One and Two, Article 4.

83. 'Abrégé du livre des Assises', Chapters 2-3, pp. 236-238; Grandclaude, *Etude critique*, pp. 13-14 and 156-157; Edbury, *Kingdom of Cyprus*, p. 193.

84. Kausler, 'Assises de la Baisse Court', Chapters 7-12 and 275; Codex One, Articles 7-12 and 265; Codex Two, Articles 7-12 and 263; 'Abrégé du livre des Assises', Chapter 3, p. 238; 'Banns et ordonnances', Chapter 3, p. 358; Grivaud and Patapiou, *La Guerra*, p. 6.

85. 'Abrégé du livre des Assises', Deuxième Partie (La manière dou plaidoyer), Chapter 23, p. 324 (final paragraph); Grivaud and Patapiou, *La Guerra*, p. 7.

86. J. Richard, 'Οι πολιτικοί και κοινωνικοί θεσμοί του μεσαιωνικού βασιλείου', *Ιστορία της Κύπρου*, IV, *Μεσαιωνικόν Βασίλειον, Ενετοκρατία*, ed. Th. Papadopoulos (Nicosia, 1995), 359; Edbury, *Kingdom of Cyprus*, pp. 16 and 22; Grivaud and Patapiou, *La Guerra*, p. 6.

87. D. Jacoby, 'Citoyens, sujets et protégés de Venise et de Genes en Chypre du XIIIe au XVe siècle', *BF*, V (1977), 159-162.

the dispossessed king of Jerusalem who became the first Latin ruler of Cyprus, encouraged burgesses as well as nobles supporting him to migrate to Cyprus. One can therefore conclude that initially the burgess class on Cyprus consisted for the most part of persons who were not indigenous to the island, but had migrated to it from Latin Syria or even from Western Europe. From 1260 onwards this element was reinforced by new migratory waves of Latin or Syrian Christians fleeing Palestine and Syria in the wake of the Muslim re-conquest.<sup>88</sup> From the middle of the fourteenth century onwards, however, the pressing financial needs of the kings of Cyprus made it increasingly easier for Greek peasants to buy their way out of serfdom and to join this group. The sums required by the crown for purchasing exemption from servile obligations gradually decreased as the cumulative effects of lifting of the papal embargo on trade with the Muslims from the 1320's onwards, the Black Death of 1348, the military campaigns of King Peter I, the Genoese war of 1373-1374 and the Mamluk invasion of 1426 all harmed the royal finances to an ever-increasing extent.<sup>89</sup> The crown and the nobles of Cyprus had suffered heavy losses in the above wars, which had resulted in the extinction of prominent noble families such as the Ibelins and in the economic impoverishment of the surviving nobles.<sup>90</sup> To raise money, they made it increasingly easier for Greek serfs to purchase exemption from servile obligations and to join the ranks of the burgesses, so that the proportion of Greek burgesses steadily increased from the middle of the fourteenth century onwards. Greek burgesses became assessors at the court of burgesses in Nicosia and elsewhere on Cyprus, and the translation of the assizes of the burgess court into Greek, which probably took place in the fourteenth century although an earlier date cannot be excluded altogether, reflects the above developments.<sup>91</sup> The recorded existence of two Greek manuscripts dated 1512 reflects the fact that the burgess courts of Cyprus continued to exist even after the Venetian annexation of the island in 1473, unlike the High Court of Nicosia, which was abolished, its judicial powers being transferred to the Venetian governors of Nicosia.<sup>92</sup> Under the Venetians the viscount

88. Richard, 'Le peuplement latin et syrien', pp. 161, 163, and 165-173 ; Jacoby, 'Famagusta', pp. 152-154, 157, 160 and 173-178.

89. E. Ashtor, *Levant Trade in the Later Middle Ages* (Princeton, 1983), pp. 44-48 and 64-69; Leontios Makhairas, *Recital Concerning the Sweet Land of Cyprus, entitled 'Chronicle'*, ed. R.M. Dawkins, 2 vols. (Oxford, 1932), I, 60-61; Edbury, *Kingdom of Cyprus*, pp. 150-153; *idem.*, 'The Franco-Cypriot Landowning Class and its Exploitation of the Agrarian Resources of the Island of Cyprus', in *Kingdoms of the Crusaders from Jerusalem to Cyprus*, XIX (Aldershot, 1999), 3-4 and note 12; Richard, 'Οι πολιτικοί και κοινωνικοί θεσμοί', pp. 362-363.

90. W. Rudt de Collenberg, 'Δομή και προέλευση της τάξεως των ευγενών', *Ιστορία της Κύπρου*, IV, *Μεσαιωνικόν Βασίλειον, Ενετοκρατία*, ed. Th. Papadopoulos (Nicosia, 1995), 804; *idem.*, 'The Fate of Frankish Noble Families settled on Cyprus', in *Crusade and Settlement*, ed. P. Edbury (Cardiff, 1985), p. 270; Edbury, *Kingdom of Cyprus*, p. 210.

91. J. Richard, 'Το δίκαιο του μεσαιωνικού βασιλείου', *Ιστορία της Κύπρου*, IV, *Μεσαιωνικόν Βασίλειον, Ενετοκρατία*, ed. Th. Papadopoulos (Nicosia, 1995), 381; *idem.*, 'Πολιτικοί και κοινωνικοί θεσμοί', p. 363; P. Edbury, 'The Lusignan Regime in Cyprus and the Indigenous Population', in *Kingdoms of the Crusades from Jerusalem to Cyprus*, XX (Aldershot, 1999), 8 and note 23.

92. B. Arbel, 'Urban Assemblies and Town Councils in Frankish and Venetian Cyprus', *ΠΔΚΣ-Β'*, 3 vols. II (Nicosia, 1986), 207.

of Nicosia, who headed the burgess court in the capital, was the most important office in Cyprus other than the Venetian magistracies. Only Cypriots of knightly status could aspire to obtain it, and the fact that in the sixteenth century the office was held on several occasions by members of those Greek families which enjoyed noble status under the Venetians indicates the extent to which Greeks by then had overcome the restrictions previously in place.<sup>93</sup>

Although the burgesses served as assessors in the burgess courts, both in Latin Syria and on Cyprus members of the burgess class had an extremely limited say in the enactment of legislation. Whereas the nobility were regularly consulted by the kings in the enactment of legislation pertaining to both the feudal issues dealt with by the High Court and the non-feudal issues handled by the Court of Burgesses, the burgesses had absolutely no say in the enactment of feudal legislation, and were only fitfully consulted on non-feudal legislation concerning them.<sup>94</sup> A law passed on the oath to be taken by the viscount and the assessors presiding over the burgess courts was promulgated by the king and his liege-men (i.e. nobles) without mention of the burgesses, and a similar procedure was followed in the enactment of a law suppressing theft.<sup>95</sup> When the viscount and the jurors of the burgess court of Nicosia refused at the start of the fourteenth century to apply a law on the suppression of homicide which King Henry II of Cyprus had enacted without consulting his liege-men, they did so on the grounds that they did not wish to violate their oath to uphold the Assizes of Jerusalem, not because they had not been consulted over the law in question.<sup>96</sup> When, however, the lord of Arsuf and *bailli* of the kingdom of Jerusalem decided in 1250 to have the office of court clerk created for the feudal and circuit jurisdictions, to do this he had summoned all the liege-men to be found at Acre, the capital of the kingdom following the final loss of Jerusalem in 1244, and the burgesses of the court of the Viscount (i.e. the burgess court) at Acre.<sup>97</sup>

Those burgesses likely to be consulted over the enactment of a law were those possessing some experience in legal matters, namely the assessors themselves. This comes through clearly in the declaration of 1369, in which the nobles of Cyprus following the murder of King Peter I invoked a return to the assizes and customs of the kingdom which had been 'ordained and established by Geoffrey of Bouillon, the first king of Jerusalem, and the liege-men and jurors (i.e. assessors) and the other liege-men who had come after them'. One is careful to point out that the burgesses consulted over the enactment of a law were empowered to offer advice only, they did not approve of or take part in the actual passage of the law. Hence the *Abrégé du Livre des Assises des Bourgeois* informs us that King Henry II of Cyprus had a law passed

93. B. Arbel, 'Greek Magnates in Venetian Cyprus: The Case of the Synglitico Family', *DOP*, no. 49 (1995), 329-330, 332-333 and 336.

94. Grandclaude, *Etude critique*, pp. 10-11.

95. *Ibid.*, p. 12 and notes 4-5.

96. *Ibid.*, pp. 156-157; Edbury, *Kingdom of Cyprus*, p. 187.

97. 'Abrégé du livre des assises', Chapter 13, p. 246; Grandclaude, *Etude critique*, p. 11 and note 2.



with the assent and the grant of his liegemen, and following consultations with his sages, who probably included certain burgesses.<sup>98</sup>

We now turn to the scope of the laws contained in the assizes of the Court of Burgesses. It has been pointed out above that these assizes contained laws of a non-feudal nature, and to this one can add that the laws themselves for the most part cover issues that today would be termed issues of civil or private law. Certain articles, however, deal with aspects of commercial law, especially the passage of goods by sea, while the matters within the jurisdictional competence of the courts of the trading nations are carefully specified.<sup>99</sup> These trading nations, of which Venice and Genoa were the most powerful, maintained lines of well-armed state galleys. These galleys frequented the harbours of Cyprus and Latin Syria and were used for transporting high-value luxury items such as silks and spices. In addition to these galleys, numerous privately owned merchant vessels with fewer armaments transported low-value bulk cargoes such as wine, oil grain or other produce.<sup>100</sup> Their nationals were resident in Acre and Nicosia, the respective capitals of the kingdoms of Jerusalem and Cyprus, and in other cities of these kingdoms. These overseas nationals were organized as communes headed by a consul or *bailli*, and the various communes maintained their own *loggias*, ovens for baking bread and courts, which were empowered to try cases not involving the purchase or sale of fixed property or of murder, treason or other offences involving the effusion of blood.<sup>101</sup>

It is at this point that we come to one of the most significant areas of the law covered jurisdictionally by the burgess courts both in Jerusalem and in Cyprus, that of criminal law. The Court of the Burgesses functioned as a criminal court not only for burgesses, but also for all other non-nobles, and so the assizes of the court cover such criminal matters as, murder, rape, other sexual crimes, theft, fraud, and assault. On Cyprus, where the nobles did not have their own feudal courts and lacked the power to exercise high justice, serfs as well as burgesses would have been brought before the Court of Burgesses when accused of infractions of a criminal nature, as would foreign nationals such as the subjects of the various trading nations with interests on Cyprus. In the field of criminal law, the jurisdiction of the Court of Burgesses did not encompass burgesses alone, but all non-nobles who had been accused of criminal acts, regardless of their social class or nationality.<sup>102</sup> The Court of Burgesses, however, was not empowered to judge those moral infractions within the jurisdictional competence of the Latin ecclesiastical courts, such as heresy, adultery,

98. 'Abrégé du livre des assises', Chapter 18, pp. 249-250; Grandclaude, *Etude critique*, p. 15 and note 2.

99. Kausler, 'Assises de la Baisse Court', Chapters 42-49, 108 and 144; Codex One, Articles 40-47, 105 and 139; Codex Two, Articles 41-48, 104 and 136.

100. F. Thiriet, *La Romanie Vénitienne au Moyen Age* (Paris, 1975), pp. 329-330; Doris Stockly, 'Le film de la navigation vénitienne vers Chypre (fin 13e -milieu 15e siècle)', *EKEE* XIII (1997), 57-60.

101. Kausler, 'Assises de la Baisse Court', Chapter 144; Codex One, Article 139; Codex Two, Article 136; Jacoby, 'Famagusta', pp. 155, 159, 161-162, 165-166 and 169-171.

102. Richard, 'Το δίκαιο του μεσαιωνικού βασιλείου', p. 380; *Idem.*, 'Πολιτικοί και κοινωνικοί θεσμοί', p. 345; H.E. Mayer, *The Crusades* (Oxford, 1972, repr. 1988, 1990), p. 177.



and unnatural intercourse between husband and wife. Nor was the testimony of members of the clergy normally admissible in cases tried before the Court of Burgesses.<sup>103</sup>

One notable feature lacking from the administration of criminal justice in the Court of Burgesses was a machinery of public prosecution. It was up to the aggrieved party to forward a claim against the offending party. If the claimant came to an agreement with the defendant in the course of the judicial proceedings, these were ended, and if he died before such proceedings had been concluded then his heirs could continue them until the court passed a verdict. Should a murdered person have no heirs, however, then the ruler as heir to the deceased was obliged to prosecute anyone accused of the murder, if an accusation was brought against someone. In such a case, however, the ruler prosecuted the accused in his capacity as heir to the deceased, not in the capacity of public prosecutor.<sup>104</sup> The only instance resembling public prosecution was when two liegemen witnessed a person committing murder. In such cases they were empowered to seize the person and hand him over to the court in their capacity as upholders of the rights of their lord and by virtue of their obligations to put right all wrongs committed against him. Their testimony in such cases, so long as they were not related to the person murdered, could not be challenged, and the accused was then sentenced to hanging.<sup>105</sup>

The Court of Burgesses was also competent *ratione materiae* to try cases involving burgess-tenements, that is to say fixed properties not classified as fiefs, even when the parties involved happened to be nobles.<sup>106</sup> The Court of Burgesses, on Cyprus as well as in the kingdom of Jerusalem, also functioned as a court of appeal for the *Cour de la Fonde*, a court dealing with commercial issues not involving fixed property in localities with markets, and for the *Cour de la Chaine*, an admiralty court dealing with cases involving maritime law and with disputes over navigation. The first of these courts dealt with non-Franks, and in Cyprus was composed of six judges, the majority of whom were Greek, presided over by a Latin *bailli*. It is unfortunate that no assizes originating from either the market or the admiralty court are extant. Both courts could only try cases involving goods worth less than one silver mark, for when goods worth over this sum were in dispute the case went before the Court of Burgesses.<sup>107</sup> It is important to note that both the Court of Burgesses and the High Court were sovereign courts, inasmuch as no appeal could be made against the decisions passed by either court.<sup>108</sup>

103. Kausler, 'Assises de la Baisse Court', Chapters 126 and 282; Codex One, Articles 122 and 272; Codex Two, Articles 119 and 270.

104. J.M. Pardessus, 'Mémoire sur l'origin du droit coutumier en France et sur son état jusqu'au XIIIe siècle', *Mémoires de l'institut royal de France, Academie des Inscriptions et Belles-Lettres* (29 May 1829), X (Paris, 1833), 760; Kausler, 'Assises de la Baisse Court', Chapters 256-275 and esp. 267; Codex One, Articles 247-265 and esp. 258; Codex Two, Articles 245-263 and esp. 256.

105. Kausler, 'Assises de la Baisse Court', Chapter 259; Codex One, Article 250; Codex Two, Article 248.

106. Grandclaude, *Etude critique*, p. 105.

107. Grivaud, 'Ο πνευματικός βίος', p. 1007; Mayer, *The Crusades*, p. 177; Kausler, 'Assises de la Baisse Court', Chapter 43; Codex One, Article 41; Codex Two, Article 42.

108. Grandclaude, *Etude critique*, p. 105.

*Sources of Law for the Livre des Assises des Bourgeois*

At this juncture one must discuss the sources of law utilized by the anonymous compiler of the *Livre des Assises des Bourgeois*. In his introduction to the two Greek manuscripts of the assizes which he edited and published C. Sathas saw similarities between certain articles of the assizes and extracts of Ptolemaic Egyptian law surviving in the works of the historian Diodorus Siculus.<sup>109</sup> P. Zepos, in two articles of 1955 and 1976 concerning the assizes and other sources of law applied on Lusignan Cyprus, rightly saw this supposition as being far-fetched, and drew attention to the similarities which certain provisions in the assizes had to corresponding provisions in Byzantine and Syriac legal treatises compiled in the Eastern Roman Empire from the fifth century onwards, especially as regarded the laws on inheritance, marriage, the provision of dowries and certain types of sale.<sup>110</sup> Zepos admitted, however, that these similarities could also be attributed to classical Roman law, especially in the case of those articles in the assizes dealing with the topic of inheritance.<sup>111</sup> J. Prawer has observed that in the Latin kingdom of Jerusalem 'the burgesses and the local population had a common denominator for their legal affairs-Roman customary law'.<sup>112</sup> Both Byzantine and Syrian legal treatises and the customary law of certain areas of France and Provence had a common basis in Roman law, and the question to be determined here is not whether the *Livre des Assises des Bourgeois* ultimately derives from Roman law, but whether it is based to a greater extent on the Byzantine or on the Western legal traditions deriving from Roman law.<sup>113</sup>

C. Giraud observed that a chapter in the *Livre des Assises des Bourgeois* on the reasons for disinheritance (Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51. Chapter 234) resembled a chapter in the then unpublished *Summa* of the Code of Roman law written in Provençal in the thirteenth century.<sup>114</sup> In an article on the sources and composition of the *Livre des Assises des Bourgeois* J. Prawer has drawn attention to the similarity of numerous chapters of the assizes with chapters of a Provençal treatise on Roman law titled *Lo Codi*. According to its editors this treatise was written in around 1149 in Arles, and it is unfortunate that so far only one of the Provençal texts of *Lo Codi* has been published in full, together with one Latin and one Dauphinois translation.<sup>115</sup> It was widely diffused, being translated into Latin,

109. Sathas, *Μεσαιωνική Βιβλιοθήκη*, VI, 61-68 (Introduction).

110. P. Zepos, 'Το δίκαιον εις τας Ελληνικάς Ασσιζας της Κύπρου', *ΕΕΒΣ*, XXV (Athens, 1955), 315 note 2 and 315-325; *Idem.*, 'Το δίκαιον της Κύπρου επί Φραγκοκρατίας', *ΕΚΕΙΕΔ*, XXIII (Athens, 1976), 129-130.

111. *Idem.*, 'Το δίκαιον εις τας Ελληνικάς Ασσιζας', p. 326.

112. Prawer, 'Sources and Composition', p. 390.

113. Th. Papadopoulos, 'Κυπριακά Νόμιμα', *ΜΥ*, I (Nicosia, 1984), 31; *idem.*, 'Rapports dialectiques entre les droits coexistants dans le royaume médiévale de Chypre', in *Η Κύπρος και οι Σταυροφορίες/Cyprus and the Crusades*, ed. N. Coureas and J. Riley-Smith (Nicosia, 1995), pp. 312 and 314.

114. Giraud, 'Du droit français dans l'Orient', p. 30.

115. *Lo Codi*, *Eine Summa Codicis in provenzalischer Sprache aus dem XII Jahrhundert. Die provenzalische Fassung der Handschrift A* (Sorbonne, 632), ed. F. Derrer (Zurich, 1974); *Lo Codi in der*

French, Dauphinois, Catalan and Castilian. Prawer maintains that 63 of the 297 chapters of the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 are translated from the Latin version of *Lo Codi* and a further 59 chapters are dependent on it, making a total of 122 out of 297 chapters influenced to a greater or lesser extent by *Lo Codi*, but he admits that after chapter 210 of the Ms. Munchen, Cod. Gall. 51 the borrowings from *Lo Codi* are less frequent. He also admits that the author of the *Livre des Assises des Bourgeois* did not follow the nine divisions of *Lo Codi* and implies, moreover, that he modified this Provençal legal treatise because the Roman law found therein had already been transformed in the judicial practice of the Latin kingdom of Jerusalem. Nonetheless, the Provençal legal treatise of *Lo Codi* in a Latin translation, not necessarily the one surviving to this day, does seem to have exercised the greatest influence on the compiler of the *Livre des Assises des Bourgeois*.<sup>116</sup> This notwithstanding, the question of which chapters of the assizes derive from Roman customary law as it existed in Provence, Italy, and southern France and which derive from Byzantine or Syrian legal treatises also originating from Roman law requires further study, as does the question of the extent to which the customary law of Northern France influenced the assizes.<sup>117</sup>

The *Livre des Assises des Bourgeois* was not influenced by Roman law in the following respect, namely in regarding law as an attribute of personality rather than as one of territory. This was a Germanic legal concept whereby a legal tradition formed part of a person's national heritage, and the tradition persisted during the medieval period in the customary law of parts of northern France.<sup>118</sup> From there it was transplanted to the legal traditions established in the Latin kingdom of Jerusalem, founded in 1099 as a result of the First Crusade.<sup>119</sup> Following the conquest of Cyprus in 1191 in the course of the Third Crusade this originally Germanic tradition influenced Cypriot law, which as pointed out above was based on the laws of the Latin kingdom of Jerusalem. In the *Livre des Assises des Bourgeois*, in the Greek translations as much as in the French original, the tradition of law as a personal rather than as a territorial attribute expresses itself in the laws concerning witnesses. According to the assizes testimony against the accused had to be given by two

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*Lateinischen Uebersetzung des Ricardus Pisanus*, ed. H. Fitting (Halle, 1906); *La Somme du Code, texte dauphinois de la région de Grenoble. Notices et extraits des mss. de la B.N. et autres bibliothèques*, ed. L. Royer and A. Thomas, xlii (Paris, 1932). I have not examined the above texts. For a fuller bibliographical note see Prawer, 'Sources and Composition', Appendix C, pp. 410-411.

116. Prawer, 'Sources and Composition', pp. 362-366, 369, 372-379 and 386. See also Appendix A, pp. 391-407.

117. J.M. Pardessus, 'Mémoire sur un monument del'ancien droit coutumier de la France, connu sous le nom d'Assises du Royaume de Jérusalem', Academie des Inscriptions et Belles-Lettres (31 July 1829), *Thémis*, (Paris, 1829), 15 (225) disagrees with both Prawer and Zepos inasmuch as he considers the laws in the *Livre des Assises des Bourgeois* as deriving primarily from Northern French customary law.

118. Pardessus, 'Mémoire sur l'origine du droit costumier en France', 679-681; J.A. Brundage, *Medieval Canon Law* (London and New York, 1995), pp. 19-20.

119. Prawer, 'Sources and Composition', pp. 383-384, 388 and 390; Giraud, 'Du droit français dans l'Orient', pp. 26-28; Zepos, 'Το δίκαιον της Κύπρου επί Φραγκοκρατίας', p. 137.

persons of the same nationality as the accused, otherwise it was inadmissible.<sup>120</sup> This is also stipulated in those laws explicitly governing the operation of the marketplace. Persons appearing before the court of the marketplace, moreover, had to take an oath on their own scriptures, the Latin Christians on a Latin version of the Bible, Greek, Nestorians, or Syrian Christians on a Bible written in their own language, Muslims on the Quran and Jews on the Torah.<sup>121</sup> The importance of oral as opposed to written testimony and the recourse under certain circumstances to a judicial duel or to judicial ordeal in the event of opposing testimonies is another manifestation of the Germanic influences in the assizes, transmitted via the customary law of France. The judicial ordeal was of Frankish origin, and the judicial duel is present in the laws of various Germanic peoples, including those of the Franks, although it is not found in the laws of the Goths and the Anglo-Saxons.<sup>122</sup>

There are seven articles in the French Assizes and Codex One of the Greek Assizes referring to trial by ordeal, and eight articles in Codex Two of the Greek Assizes.<sup>123</sup> This legal process had long been current in the Latin kingdom of Jerusalem, for it is explicitly alluded to in the decrees of the Council of Nablus of 1120, which mention both trial by fire and trial by water.<sup>124</sup> Persons accused of rape could offer to clear themselves by undergoing the ordeal by fire, while those accused of assault leading to murder in the presence of two liege-men could, if the liege-men's testimony was not considered questionable because they were related to the murdered man, offer to clear themselves by undergoing ordeal by water.<sup>125</sup> In the other articles trial by ordeal is specified in instances where the defendant specifically requests it, as well as in instances where the defendant is accused of causing a person's death through wounding him, or of murder because he has been found in the road next to the corpse of a person which was still warm because he had been murdered recently. Where a person or persons had been accused of causing death through wounding they also had the option, if challenged, of clearing themselves by judicial duel, and they could seek trial by ordeal if no such challenge was forthcoming, although in all such cases it is not specified whether ordeal by fire or by water is to be undergone.<sup>126</sup> There are no recorded instances of persons on Cyprus being subjected to the ordeal, but this does not constitute conclusive proof that it never took place. In Cyprus, as throughout Latin Europe in the period from 800 to 1200, trial by

120. See Kausler, 'Assises de la Baisse Court', Chapters 58-63 and 236; Codex One, Articles 56-61 and 289; Codex Two, Articles, 57-63 and 289.

121. Kausler, 'Assises de la Baisse Court', Chapter 236; Codices One and Two, Articles 289-292'.

122. R. Bartlett, *Trial by Fire and Water, the Medieval Judicial Ordeal* (Oxford, 1986), pp. 7-9, 103-104, 131-133 and 153-154.

123. Kausler, 'Assises de la Baisse Court', Chapters 114, 132, 259-261 and 279-280; Codex One, Articles 110, 128, 250-252 and 269-270; Codex Two Articles 108, 125, 248-250 and 266-268.

124. Bartlett, *Trial by Fire and Water*, p. 46 and note 30.

125. Kausler, 'Assises de la Baisse Court', Chapters 132 and 259; Codex One, Articles 128 and 250; Codex Two, Articles 125 and 248.

126. Kausler, 'Assises de la Baisse Court', Chapter 260; Codex One, Article 251; Codex Two, Article 249.

ordeal was employed as a final resort in cases where conclusive testimony or written evidence was lacking.

The fact that trial by ordeal is mentioned in seven to eight chapters of the Assizes, a legal compilation postdating the explicit condemnation of this legal procedure by Pope Innocent III at the Fourth Lateran Council of 1215, indicates that Cypriot burgess law faithfully followed the legal practices current in the kingdom of Jerusalem even when these were out of step with developments taking place in Latin Europe. In Latin Europe trial by ordeal was increasingly called into question by scholars cognizant of Roman law and reforming clergy during the period 1050-1215, and was banned in 1063 by Pope Alexander II for priests accused of murder. His successor Pope Alexander III, a professor of law at the university of Bologna, actively campaigned against it in the later twelfth century, and Pope Innocent III's prohibition of trial by ordeal in 1215, mentioned above, was included by Pope Gregory IX in the *Decretals* issued by his authority in 1234. Secular rulers, firstly in Scotland, Denmark, England and Sicily but gradually throughout Latin Europe, followed the lead of the church, so that by 1300 trial by ordeal had virtually ceased to exist.<sup>127</sup> In view of the above, the various references to this judicial procedure in the Assizes of Jerusalem and Cyprus are anachronistic.

The Germanic tradition of law as a personal attribute and as part of a person's ethnic heritage benefited non-Latin groups on Cyprus such as the Greeks and the Syrian Christians inasmuch as it enabled them to maintain their traditions in the field of private law. The Greeks maintained their own ecclesiastical courts throughout the period of Lusignan and Venetian rule, a concession confirmed in the conditions of the *Bulla Cypria* of 1260 promulgated under Pope Alexander IV.<sup>128</sup> The Syrians, moreover, had their own courts in Nicosia and Famagusta, the *Cour de Rais*.<sup>129</sup> Members of such non-Latin communities on Cyprus had recourse to the Court of Burgesses for cases which did not come under the jurisdiction of their own law, these being chiefly cases of a criminal nature or disputes between burgesses who did not belong to the same national group.<sup>130</sup> In a similar manner, the decisions passed by Greek ecclesiastical courts could form the subject of an appeal to the Latin diocesan, the Latin archbishop of Nicosia, or to the pope.<sup>131</sup>

127. Bartlett, *Trial by Fire and Water*, pp. 70, 75-90 and 127-134.

128. *The Cartulary of the Cathedral of Holy Wisdom of Nicosia*, ed. N. Coureas and C. Schabel (Nicosia, 1997), no. 78, p. 199; G.A. Ioannides, 'La Constitutio o Bulla Cypria Alexandri Papae IV del Barberinianus Graecus 390', *Orientalia Christiana Periodica*, Vol. 66, fasc. 2 (Rome, 2000), 363; Zepos, 'Το δίκαιον της Κύπρου', p. 137; Richard, 'Το δίκαιο του μεσαιωνικού βασιλείου', pp. 385-386; Grivaud, 'Ο πνευματικός βίος', pp. 1006-1007.

129. *Lacrimae Nicossenses. Recueil d'inscriptions funéraires la plupart françaises existant encore dans l'île de Chypre*, ed. T.J. Chamberlayne (Paris, 1894), pp. 31-32, no. 56 and p. 64, no. 213; Richard, 'Οι πολιτικοί και κοινωνικοί θεσμοί', 346; *idem.*, 'La Cour des Syriens de Famagouste d'après un texte de 1448', in *Croisades et Etats Latins d'Orient*, XVII (Aldershot, 1992), 383-398.

130. Richard, 'Το δίκαιο του μεσαιωνικού βασιλείου' p. 381.

131. Coureas and Schabel, *Cartulary*, no. 78, pp. 199-200; Ioannides, 'La Constitutio o Bulla Cypria', p. 363; 'Ελληνικοί νόμοι της Κύπρου', ed. C. Sathas, *Μεσαιωνική Βιβλιοθήκη*, 7 vols. (Venice, 1872-1894), VI, 519.



The family law applied by the Greek ecclesiastical courts on Cyprus, which also includes testamentary and property provisions, survives in the Ms. Paris, Bibliothèque Nationale de France, Grec 1391, which C. Sathas edited in full in 1877, and this manuscript was probably written in the late thirteenth or early fourteenth century by an anonymous Greek cleric or notary in the diocese of Paphos.<sup>132</sup> Its provisions, and especially those regarding marriage, have certain marked similarities with the laws on marriage expounded in the *Livre des Assises des Bourgeois*, although there are also important differences. As regards the legal age of the persons getting married, the Greek courts specified that the bride had to be at least twelve years old, and the groom at least fourteen, whereas the Assizes simply state that both parties have to be at least thirteen years of age.<sup>133</sup> In both the *Livre des Assises des Bourgeois* and in the laws applied by the Greek ecclesiastical courts, however, it is stated that if the parties to a marriage or either one of these parties was under-age when the marriage took place, the marriage can be dissolved if either or both parties so wish, and a decision of 1306 arrived at by the Greek bishop of Solea dissolved an 'engagement together with a full religious ceremony' which was considered in law as a marriage, because one of the parties, Theodora the daughter of Constantine Secretikos, had been only nine years old when it took place, and on reaching the age of twelve she revoked it and was given leave by the bishop to wed another man if she so wished.<sup>134</sup> Both the *Livre des Assises des Bourgeois* and the laws applied in Greek ecclesiastical courts stated that if a marriage between persons under age had been consummated, then it was to be considered valid. Whereas, however, the laws of the Greek ecclesiastical courts add that if the woman in such cases wished to have the engagement or the marriage dissolved on reaching her majority, she could do so before a judge, the *Livre des Assises des Bourgeois* states that in such cases the marriage could be annulled only if there was some other lawful impediment, such as being closely related.<sup>135</sup> In both the *Livre des Assises des Bourgeois* and the laws applied in the Greek ecclesiastical courts it was decreed that the children of marriages that had taken place within the prohibited degrees of consanguinity or affinity could not be considered as legitimate or even illegitimate children, which meant that they had no rights of inheritance whatsoever.<sup>136</sup> Regarding marriages between persons not belonging to the same faith or confession, the *Livre des Assises des Bourgeois* simply states that marriages between Christians and Muslims are forbid-

132. Sathas 'Ελληνικοί νόμοι', pp. 501-585 and pp. 516, 519, 522, 530, 533-534, 544, 547-548, 561, and 576 for references to the Greek bishop of Arsinoe in the diocese of Paphos; Zepos, 'Το δίκαιον της Κύπρου επί Φραγκοκρατίας', pp. 138-141; Richard, 'Το δίκαιο του μεσαιωνικού βασιλείου', p. 386.

133. Kausler, 'Assises de la Baisse Court', Chapter 156; Codex Two, Article 148; Sathas, 'Ελληνικοί νόμοι', pp. 541 and 550.

134. Kausler, 'Assises de la Baisse Court', Chapter 157; Codex One, Article 152; Codex Two, Article 149; K. Hadjipsaltes, 'Εκκλησιαστικά δικαστήρια Κύπρου επί Φραγκοκρατίας', *Κυπριακαί Σπουδαί*, XIX (Nicosia, 1955), 25-30.

135. Kausler, 'Assises de la Baisse Court', Chapter 157; Codex One, Article 152; Codex Two, Article 149; Sathas, 'Ελληνικοί νόμοι', p. 541.

136. Kausler, 'Assises de la Baisse Court', Chapter 158; Codex One, Article 153; Codex Two, Article 150; Sathas, 'Ελληνικοί νόμοι', pp. 539 and 564-571.

den, whereas the laws applied by the Greek ecclesiastical courts state in addition that engagements and marriages are forbidden even between Christians belonging to different confessions, especially between Chalcedonian and non-Chalcedonian Christians, such as Jacobites, Armenians and Nestorians.<sup>137</sup>

Both sets of laws show marked similarities in the sections regarding engagements, inasmuch as they recognized that people could become engaged either in person or by proxy, and either orally, by taking an oath, or in writing. Both sets of laws allowed either of the parties becoming engaged to cancel the engagement provided that the party doing so paid the sum deposited by way of guarantee, although the laws applied in the Greek ecclesiastical courts stated that if the bride-to-be instigated the cancellation, she had to give back double the sum she had received from the groom by way of guarantee, while if the groom instigated the cancellation, he simply lost the guarantee he had placed.<sup>138</sup> Both the *Livre des Assises des Bourgeois* and the laws applied in the Greek ecclesiastical courts refer the gifts a man might give to a woman prior to or even after the engagement are acknowledged, but whereas the *Livre des Assises* decree that a man can take back such gifts should the bride-to-be decide to break the engagement, the laws applied by the Greek ecclesiastical courts make it clear that such gifts, once given, invariably remain with the bride. As regards the engagement kiss, in instances when the future groom gave one, the *Livre des Assises des Bourgeois* and the laws applied by the Greek ecclesiastical courts likewise have different provisions. The former states that if such a kiss had been given and one of the parties to the engagement subsequently died, then any gifts given by either party to the other remained with their recipient, or to the relatives if the recipient had died, whereas the latter state that in such cases half of the gifts remained with the bride-to-be, and half were returned to the party which had given them, that is to the groom or his relatives, if the groom had died in the meantime.<sup>139</sup>

As regards second marriages both the *Livre des Assises des Bourgeois* and the laws applied in the Greek ecclesiastical courts stipulate that a woman can remarry, but only when a defined period of mourning had passed following the death of her first husband. In the Assizes this is defined as a year and a day, while in the laws of the Greek ecclesiastical courts it is defined as nine months, for if she had conceived prior to her first husband's death she would have given birth by the end of this period and so there would be no doubt regarding the child's paternity.<sup>140</sup> In both sets of laws women remarrying or becoming pregnant before the defined period of mourning had expired were subject to punishments. According to the Assizes, such women forfeited the right to receive legacies, whether from unrelated persons, relatives of theirs

137. Kausler, 'Assises de la Baisse Court', Chapter 177; Codex One, Article 171; Codex Two, Article 169; Sathas, 'Ελληνικοί νόμοι', pp. 524, 526-527 and 550.

138. Kausler, 'Assises de la Baisse Court', Chapters 159-160; Codex One, Articles 154-155; Codex Two, Articles 151-152; Sathas, 'Ελληνικοί νόμοι', pp. 524-527.

139. Kausler, 'Assises de la Baisse Court', Chapters 161-162; Codex One, Articles 156-157; Codex Two, Articles 153-154; Sathas, 'Ελληνικοί νόμοι', pp. 528-529.

140. Kausler, 'Assises de la Baisse Court', Chapter 163; Codex One, Article 158; Codex Two, Article 155; Sathas, 'Ελληνικοί νόμοι', pp. 525, 556 and 582-583.

who had died intestate, or even from their deceased husbands, and they obtaining nothing from any increase in their dowry which had taken place while they were married. The only things they could keep were the original value of their dowries, the incomes of the deceased husband, and moveable effects such as furniture.<sup>141</sup> In the laws of the Greek ecclesiastical courts women remarrying before the statutory period of mourning had expired were likewise forbidden to receive any increase in the property she and her deceased husband had obtained, or anything from the children she had had with him, while she could only give one third of her original dowry to her second husband. Women who had given birth ten months after the death of their husband were likewise prohibited from receiving any increase in property.<sup>142</sup>

The *Livre des Assises des Bourgeois* and the laws on marriage applied in the Greek ecclesiastical courts differ in the articles regarding the separation of married couples. In the Assizes the contraction of leprosy by the wife constituted a reason for separation, whereas in the laws applied in the Greek ecclesiastical courts its contraction by either party is explicitly ruled out as a reason for separation.<sup>143</sup> The laws of the Greek ecclesiastical courts rule that failure on the part of the husband to consummate the marriage within three years after the wedding constituted a reason for dissolving the marriage, but the Assizes do not mention this issue in the relevant chapters on separation.<sup>144</sup> Both the Assizes and the laws on marriage applied in the Greek ecclesiastical courts agree in stipulating that in instances of separation, the fathers had to provide financially for any children born during the marriage, although poverty is mentioned in the latter set of laws as a valid reason for failing to meet this duty. In the Assizes it is stated that the children of parents who have separated should remain with their mother up to the age of seven and then with their father up to the age of twelve, unless there were good reasons for not letting them remain with the mother for the first period, or with their father for the second, and that even when they were with their mother their father should provide for them to the best of his ability.<sup>145</sup>

Both the *Livre des Assises des Bourgeois* and the laws applied in the Greek ecclesiastical courts make provision for children born out of wedlock. It is stated in the Assizes that such children can inherit from their father if he has no other legitimate children, but that if there are legitimate children then the illegitimate children can inherit only with the consent of their legitimate brothers and sisters. In the laws on marriage applied in the Greek ecclesiastical courts it is stated that illegitimate

141. Kausler, 'Assises de la Baisse Court', Chapters 163-165; Codex One, Articles 158-159; Codex Two, Articles 155-157.

142. Sathas, 'Ελληνικοί νόμοι', pp. 582 and 585.

143. Kausler, 'Assises de la Baisse Court', Chapter 172; Codex Two, Article 164; Sathas, 'Ελληνικοί νόμοι', p. 535.

144. Kausler, 'Assises de la Baisse Court', Chapter 172; Codex Two, Article 164; Sathas, 'Ελληνικοί νόμοι', pp. 530-536.

145. Kausler, 'Assises de la Baisse Court', Chapter 174; Codex One, Article 168; Codex Two, Article 166; Sathas, 'Ελληνικοί νόμοι', p. 536.



children made legitimate by the authorities with the consent of the father can only inherit from the father, and not from their legitimate brothers and sisters or any other of the father's relations, while illegitimate children not made legitimate by law inherit from their father part of what he bequeathed their mother, or else one twelfth of the father's property, with the remainder going to the legitimate children.<sup>146</sup> Both the Assizes and the laws applied in the Greek ecclesiastical courts acknowledge the right of children to make wills themselves, although in the latter set of laws it is stipulated that children must reach the age of fifteen before they can do so, on the basis of Roman law as codified under the emperor Justinian.<sup>147</sup>

Both sets of laws explicitly prohibit marriages between persons and their godchildren, or between their children and their godchildren. The Assizes explicitly state that it is not allowed for a man to marry his goddaughter, or for his son to marry the daughter of his goddaughter, but a man could marry any daughters his goddaughter had had before she herself was christened.<sup>148</sup> In the laws on marriage applied in the Greek ecclesiastical courts it is likewise stated in the grounds for dissolving an engagement or a marriage that a woman could not marry the son of her godfather, or a man the daughter of his godfather, for such persons were brothers and sisters in spirit. Nor was it permitted for one who had a goddaughter to marry her, her mother or her daughter, or even for his son to marry these persons. It was permitted however, for a father to marry his son to a sister of his goddaughter whom he had not christened, for such a sister was neither his godchild nor the spiritual sister of his son.<sup>149</sup>

Given that both the Assizes and the laws on marriage applied in the Greek ecclesiastical courts had a common inheritance in Roman law, the similarities they exhibit are expected. The differences existing between both sets of laws are to be explained by the fact that the laws of the *Livre des Assises des Bourgeois* derive to a great extent from the Provençal version of Roman law, the *Lo Codi*, while those applied in the Greek ecclesiastical courts derive from Roman law as it was codified under the emperor Justinian and as it was subsequently applied within the framework of the Byzantine and Syrian legal traditions, although one must also take into account the fact that the compiler of these laws had been influenced by the Latin *Summae* which were circulating throughout Western Europe from the twelfth century onwards and which reached Lusignan Cyprus following the Latin conquest of 1191.<sup>150</sup>

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146. Kausler, 'Assises de la Baisse Court', Chapter 175; Codex One, Article 169; Codex Two, Article 167; Sathas, 'Ελληνικοί νόμοι', pp. 538, 540 and 542-543.

147. Kausler, 'Assises de la Baisse Court', Chapter 166; Codex One, Article 160; Codex Two, Article 158; Sathas, 'Ελληνικοί νόμοι' p. 580; *Justinian's Institutes*, transl. by P. Birks and G. McLeod (London, 1987, repr. 1994), p. 71 section 2.12.

148. Kausler, 'Assises de la Baisse Court', Chapter 177; Codex One, Article 171; Codex Two, Article 169.

149. Sathas, 'Ελληνικοί νόμοι', pp. 557-564 and 570

150. Sathas, 'Ελληνικοί νόμοι', pp. 527, 535-536, 539-543, 551-553, 564, 570 and 577-582; Prawer, 'Sources and Composition', pp. 362-366 and 372-389; Zepos, 'Το δίκαιον της Κύπρου επί Φραγκοκρατίας', p. 140 and note 27; Richard, 'Το δίκαιο του μεσαιωνικού βασιλείου', p. 386.

*The conservatism of Cypriot legal practice*

The three surviving Greek manuscripts of the Assizes, of which one has the date 1469, one has the date 1512, and the third, of which only the first 61 chapters survive, also has the date 1512, are historically important in showing us the fundamental continuity, indeed the conservatism, of burgess law on medieval Cyprus, despite certain developments which took place in the field of jurisprudence. Although as mentioned above these manuscripts differ to some extent from one another in linguistic terms, and differ in structure from the surviving French manuscript that they resemble most closely, the Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51, in terms of legal content the laws found in the surviving Greek manuscripts are essentially the same as those found in the fourteenth century French manuscript mentioned above. The fact that a collection of laws originally compiled in Latin Syria during the mid-thirteenth century was still being applied in sixteenth century Venetian Cyprus without having been subject to fundamental revisions, additions or deletions shows how despite the fundamental economic, political and social changes taking place from the mid-fourteenth century onwards, including the annexation of Cyprus by Venice in 1473, burgess law on the island remained essentially unchanged.

Nonetheless, in Cyprus as in other parts of medieval Europe there were developments to burgess law in the course of the fourteenth and fifteenth centuries. These developments are expressed in the series of laws known as royal ordinances dating from the time of King Henry II, which E. H. Kausler edited under the title *Ordenemens de la court dou vesconte*, a work containing royal decrees dating from the late thirteenth and early fourteenth centuries. Subsequent royal decrees passed on Cyprus as assizes, of which those that survive are dated to the reigns of King Hugh IV and King James I, were compiled under the title *Livre du Pledeant et du Plaidoyer*, also known as the *Abrégé du livre des Assises de la Cour des Bourgeois*. This collection describes the judicial institutions of the kingdom of Cyprus, beginning with the oath given by the viscount, the assessors and other court officers and going on to define their spheres of competence as well as those of the court advocates (*avant parliers*). The way in which court verdicts were kept is described, the first book of this compilation expounds the law of ownership, and the second book expounds the rules to be followed in the conduct of trials.<sup>151</sup>

Legal practices did change gradually on Cyprus from the mid-thirteenth century, when the Assizes were first written, to the late fifteenth and early sixteenth centuries when the two surviving Greek compilations were copied or translated. One such change occurred in the field of judicial duels. Although proscribed as a form of evidence in the proceedings of the market and the admiralty courts, they were permitted as evidence in the High Court and in the Court of Burgesses.<sup>152</sup> In the High Court the nobles fought each other with swords, and they could challenge the judges of the

151. Richard, 'Το δίκαιο του μεσαιωνικού βασιλείου', pp. 382-383.

152. For the prohibition of judicial duels in the admiralty and market courts see Kausler, 'Assises de la Baisse Court', Chapters 43 and 236; Codex One, Articles 41 and 293; Codex Two, Articles 42 and 293.

court to a duel if they disagreed with their judgement.<sup>153</sup> In the Court of Burgesses the burgesses fought each other with staves, not swords, and they could not challenge the viscount or the assessors to a duel if they disagreed with the judgement of the court.<sup>154</sup> One observes here that Cypriot practice was in line with that in other parts of Latin Europe, where up to the sixteenth century such duels could be fought by all freeborn men, whether aristocrats and burgesses, but that one could only challenge persons who were of the same social class, whether in person or by proxy. Weapons used were also influenced by the social standing of the combatants, for while duelling with clubs was customary from Carolingian times down to the fifteenth century knights and nobles acquired the right to duel on horseback with swords and lances.<sup>155</sup>

The recourse to judicial duels, however, in Cyprus as throughout Latin Europe was a last rather than a first resort, and was employed in cases where the nature of the crime was furtive and other forms of proof, such as written evidence or oral testimony of witnesses, were unavailable. Hence it was employed for reaching a judicial decision in crimes such as theft, arson, sexual offences, treason, disputed testimony, and property disputes when the property was above a specified value. Throughout Latin Europe such recourse appears to have been resorted to with decreasing frequency by the beginning of the fourteenth century.<sup>156</sup> The same seems to have been the case regarding Cyprus, although there are two well-recorded instances of judicial duels or offers to duel taking place among the Cypriot nobility during this century. The first instance was the judicial duel of 1313-1314 involving the knight James of Artude, who had been accused of murdering his wife by his mother in law, who demanded that the king nominate a champion against him. King Henry II, in his lawful capacity as the protector of widows and orphans, duly appointed as champion one of his vassals, the knight James Pansan. The duel took place on 12 June 1313/14, and after receiving a wound in the shoulder from this champion the vanquished James of Artude confessed that although he himself had not killed his wife, he had had her killed by another person so as not to perjure himself when asked to swear if he had killed her.<sup>157</sup>

153. 'Livre de Jean d'Ibelin', Chapter 81, p. 129, Chapters 88-97, pp. 139-160 and Chapters 101-103, pp. 165-174; 'Livre de Jacques d'Ibelin', ed. M. le Comte Beugnot, *RHC Lois*, I (Paris, 1841), Chapter 15, pp. 458-459; 'Livre de Philippe de Navarre', Chapters 10 and 12, pp. 483-485; 'La clef des assises de la Haute Cour', ed. M. le Comte Beugnot, *RHC Lois*, I (Paris, 1841), Chapter 103, p. 587 and Chapter 278, p. 599; E.H. Kausler, 'Assises de la Haute Court', *Les livres des assises et des usages du reyaume de Jérusalem* (Stuttgart, 1839), Chapter 317, pp. 366-367 and Chapter 338, pp. 385-386 (= 'Le Livre au Roi', ed. M. le Comte Beugnot, *RHC Lois*, I [Paris, 1841], Chapter 20, p. 619, Chapter 41, pp. 635-636).

154. Kausler, 'Assises de la Baisse Court', Chapters 43, 138, 145-146, 236, 262 and 266-269; Codex One, Articles 41, 133, 140-141, 253, 257-260 and 293; Codex Two, Articles 42, 130, 137-138, 251, 255-258 and 293.

155. 'Livre de Jean d'Ibelin', Chapters 151-152, pp. 165-169; 'Livre de Philippe de Navarre', Chapter 12, p. 485; Bartlett, *Trial by Fire and Water*, pp. 105, 109-112 and 126.

156. *Ibid.*, pp. 106, 108-109 and 121-123.

157. 'Chronique d'Amadi', in *Chroniques d'Amadi et de Strambaldi*, ed. R. de Mas Latrie, 2 vols. (Paris, 1891-1893), I, 396-397; Florio Bustron, 'Chronique de l'isle de Chypre', ed. R. de Mas Latrie in *Collection des documents inédits sur l'histoire de France: Mélanges historiques*, V (Paris, 1886), 248-249.

The second instance famous instance of a judicial duel took place in 1368, when John Visconte was sentenced to death for slandering the queen, and the noble judges offered to fight him in person if he challenged the rectitude of their judgement.<sup>158</sup> Such instances prove that even if subsequent legal developments on Cyprus made recourse to judicial duels a rarity, it did not disappear entirely as a legal resort for a considerable period of time. By 1535, however, by which time Cyprus had long been under Venetian rule, the laws in the *Livre des Assises des Bourgeois* on judicial duels and trial by ordeal were defunct, for the Venetians had proscribed such practices. The Italian translation of the Assizes of 1531 faithfully included those laws from the French as a matter of record only.<sup>159</sup> Here also Cypriot practice was in line with that in Latin Europe, where from the sixteenth century onwards duels lost their judicial significance and were fought between nobles in a purely private capacity, while ordeals survived only in areas lacking strong state control and which were remote from papal influence such as Galicia in Spain.<sup>160</sup>

The conservatism of Cypriot legal practice also comes through clearly as regards the validity of deeds drawn up before a notary public, which were not accepted as legal proof unless they had been ratified by the king acting through the viscount of the Court of Burgesses or his auditor. This office of auditor was already in existence by 1297, and Francesco Balducci Pegolotti, the Florentine employee of the banking house of Bardi who was resident on Cyprus in the first half of the fourteenth century, alluded to the restrictions in force as regarded the validity of notarial deeds.<sup>161</sup> Such limited changes in the legal practices of Cyprus as occurred in the course of the fourteenth and fifteenth centuries, however, did not lessen the importance of the *Livre des Assises des Bourgeois* as a source of law. The fact that this corpus of law continued to be copied into Greek in the late fifteenth and early sixteenth centuries, and was translated into Italian in 1531, less than 40 years before the conquest of Cyprus by the Ottoman Turks, constitutes proof of the continuity of Cypriot burgess law, based on the burgess law of the Latin kingdom of Jerusalem, throughout the period of Lusignan and Venetian rule. Even though the ethnic composition of the assessors of the courts changed, with Greeks and Syrians gaining access to this office as well as Latins, and even though the assizes of the burgess court were translated from French into Greek and then into Italian, as an institution this court, unlike the High Court, continued in existence right up to the end of the Venetian period, applying the laws of the *Livre des Assises des Bourgeois* up until the Ottoman conquest.

158. Makhairas, 'Recital', Chapter 256, pp. 236-237; 'Chronique d'Amadi', pp. 421-422; Florio Bustron, pp. 270-271.

159. J.M. Pardessus, *Collection de lois maritimes antérieures au XVIIIe siècle*, i, Chapter VII: 'Droit maritime des pays conquis par les Croisés en Orient' (Paris, 1828), p. 268.

160. Bartlett, *Trial by Fire and Water*, pp. 122, 126 and 133-135.

161. Kausler, 'Assises de la Baisse Court', Chapter 142; Codex One, Article 137; Codex Two, Article 134; Pegolotti, *La Pratica*, p. 88; CSFS 39, nos. 46 and 76; Richard, 'Οι πολιτικοί και κοινωνικοί θεσμοί', pp. 346-347; *idem.*, 'Το δίκαιο του μεσαιωνικού βασιλείου', p. 384.

Comparative Table of the Chapters of the *Livre des Assises des Bourgeois* in the following manuscripts:

Ms. Munchen, Munchener Bibliothek, Cod. Gall. 51 (ed. E.H. Kausler)

Ms. Paris, Bibliothèque Nationale de France, Grec suppl. 465 (ed. C. Sathas, Codex One)

Ms. Paris, Bibliothèque Nationale de France, Grec 1390 (ed. C. Sathas, Codex Two)

Cod. Gall. 51 Chapter Number	Grec suppl. 465 (Codex 1) Article Number	Grec 1390 (Codex 2) Article Number
i	1	1
ii	2	2
iii	3	3
iv	4	4
v	5	5
vi	6	6
vii	7	7
viii	8	8
ix	9	9
x	10	10
xi	11	11
xii	12	12
xiii	13	13
xiv	14	14
xv	15	15
xvi	16	16
xvii	17	17
xviii	18	18
xix	19	19
xx	20	20
xxi	21	21
xxii	21	22
xxiii	21	22
xxiv	22	23
xxv	23	24
xxvi	24	25
xxvii	25	26
xxviii	26	27
xxix	27	28

Cod. Gall. 51	Grec suppl. 465 (Codex 1)	Grec 1390 (Codex 2)
xxx	28	29
xxxi	29	30
xxxii	30	31
xxxiii	31	32
xxxiv	32	33
xxxv	33	34
xxxvi	34	35
xxxvii	35	36
xxxviii	36	37
xxxix	37	38
xl	38	39
xli	39	40
xl ii	40	41
xl iii	41	42
xl iv	42	43
xl v	43	44
xl vi	44	45
xl vii	45	46
xl viii	46	47
xl ix	47	48
missing	48	49
li	49	50
lii	50	51
liii	51	52
liv	52	53
lv	53	54
lvi	54	55
lvii	55	56
lviii	56	57
lix	57	58
lx	58	59
lxi	59	60
lxii	missing	61
lxiii	60	62
lxiii	61	63
lxiv	62	64
lxv	63	65
lxvi	63	65
lxvii	64	66

Cod. Gall. 51	Grec suppl. 465 (Codex 1)	Grec 1390 (Codex 2)
lxviii	65	67
lxix	66	68
lxx	67	69
lxxi	68	70
lxxii	69	71
lxxiii	70	72
lxxiv	71	73
lxxv	72	74
lxxvi	73	75
lxxvii	74	76
lxxviii	75	77
lxxix	76	78
lxxx	77	79
lxxxi	78	80
lxxxii	79	81
lxxxiii	80	82
lxxxiv	81	83
lxxxv	82	84
lxxxvi	83	84
lxxxvii	84	85
lxxxviii	85	86
lxxxix	86	87
xc	87	88
xc i	88	89
xc ii	89	90
xc iii	90	90
xc iv	91	91
xc v	92	92
xc vi	93	93
xc vii	94	94
xc viii	95	95
xc ix	96	96
c	97	97
c i	98	98
c ii	99	99
c iii	100	100
c iv	102	100
c v	101	101
c vi	103	102



Cod. Gall. 51	Grec suppl. 465 (Codex 1)	Grec 1390 (Codex 2)
cvii	104	103
cviii	105	104
cix	106	104
cx	107	105
cxi	missing	missing
cxii	108	106
cxiii	109	107
cxiv	110	108
cxv	111	109
cxvi	112	110
cxvii	113	110
cxviii	114	111
cxix	115	112
cxx	116	113
cxxi	117	114
cxxii	118	115
cxxiii	119	116
cxxiv	120	117
cxxv	121	118
cxxvi	122	119
cxxvii	123	120
cxxviii	124	121
cxxix	125	122
cxxxi	126	123
cxixxi	127	124
cxixxii	128	125
cxixxiii	129	126
cxixxiv	130	127
cxixxv	130	127
cxixxvi	131	128
cxixxvii	132	129
cxixxviii	133	130
cxixxix	134	131
cxl	135	132
cxli	136	133
cxlii	137	134
cxliii	138	135
cxliv	139	136
cxlv	140	137

Cod. Gall. 51	Grec suppl. 465 (Codex 1)	Grec 1390 (Codex 2)
cxlvi	141	138
cxlvii	142	139
cxlviii	143	140
cxlix	144	141
cl	145	142
cli	146	143
clii	147	144
cliii	148	145
cliv	149	146
clv	150	147
clvi	151	148
clvii	152	149
clviii	153	150
clix	154	151
clx	155	152
clxi	156	153
clxii	157	154
clxiii	158	155
clxiv	159	156
clxv	159	157
clxvi	160	158
clxvii	161	159
clxviii	162	160
clxix	163	161
clxx	164	162
clxxi	165	163
clxxii	166	164
clxxiii	167	165
clxxiv	168	166
clxxv	169	167
clxxvi	170	168
clxxvii	171	169
clxxviii	172	170
clxxix	173	171
clxxx	174	172
clxxxi	175	173
clxxxii	176	174
clxxxiii	177	175
clxxxiv	178	176

Cod. Gall. 51	Grec suppl. 465 (Codex 1)	Grec 1390 (Codex 2)
clxxxv	179	177
clxxxvi	180	178
clxxxvii	181	179
clxxxviii	182	180
clxxxix	183	181
cxc	184	182
cxci	185	183
cxcii	186	184
cxci	187	185
cxciv	188	186
cxcv	189	187
cxcvi	190	188
cxcvii	191	189
cxcviii	192	190
cxcix	193	191
cc	194	192
cci	195	193
ccii	196	194
cciii	197	195
cciv	198	196
ccv	199	197
ccvi	200	198
ccvii	201	199
ccviii	202	200
ccix	203	201
ccx	204	202
ccxi	205	203
ccxii	206	204
ccxiii	207	205
ccxiv	208	206
ccxv	209	207
ccxvi	210	208
ccxvii	211	209
ccxviii	212	210
ccxix	213	211
ccxx	214	212
ccxxi	215	213
ccxxii	216	214

Cod. Gall. 51	Grec suppl. 465 (Codex 1)	Grec 1390 (Codex 2)
ccxxiii	217	215
ccxxiv	218	216
ccxxv	219	217
ccxxvi	220	218
ccxxvii	221	219
ccxxviii	222	220
ccxxix	223	221
ccxxx	214	222
ccxxxi	225	223
ccxxxii	226	224
ccxxxiii	227	225
ccxxxiv	228	226
ccxxxv	229	227
ccxxxvi	230 and 288-294	286-294
ccxxxvii	295-296	295-297
ccxxxviii	297	298
ccxxxix	231	228
ccxl	231	229
ccxli	232	230
ccxlii	233	231
ccxliii	234	232
ccxliv	235	233
ccxlv	236	234
ccxlvi	237	235
ccxlvii	238	236
ccxlviii	239	237
ccxlix	240	238
ccl	241	239
ccli	242	240
cclii	243	241
ccliii	244	242
ccliv	245	243
cclv	246	244
cclvi	247	245
cclvii	248	246
cclviii	249	247
cclix	250	248
cclx	251	249
cclxi	252	250

Cod. Gall. 51	Grec suppl. 465 (Codex 1)	Grec 1390 (Codex 2)
cclxii	253	251
cclxiii	254	252
cclxiv	255	253
cclxv	256	254
cclxvi	257	255
cclxvii	258	256
cclxviii	259	257
cclxix	260	258
cclxx	missing	missing
cclxxi	261	259
cclxxii	262	260
cclxxiii	263	261
cclxxiv	264	262
cclxxv	265	263
cclxxvi	266	264
cclxxvii	267	265
cclxxviii	268	266
cclxxix	269	267
cclxxx	270	268
cclxxxi	271	269
cclxxxii	272	270
cclxxxiii	273	271
cclxxxiv	274	272
cclxxxv	275	273
cclxxxvi	276	274
cclxxxvii	277	275
cclxxxviii	278	276
cclxxxix	279	277
ccxc	280	278
ccxci	281	279
ccxcii	282	280
ccxciii	283	281
ccxciv	284	282
ccxcv	285	283
ccxcvi	286	284
ccxcvii	287	285

Table of the units of exchange current on Lusignan Cyprus, and alluded to in both the Greek manuscripts of the *Livre des Assises des Bourgeois* edited and published by C. Sathas.

Units of exchange	Relative value thereof
White bezants (Tracheae)	48 deniers (96 deniers following the devaluation which took place under King James I [1382-1398], see Metcalf, <i>Corpus of Lusignan Coinage</i> , III, 133)
Saracen bezants	Approx. 3.5 white bezants (CSFS 32, nos. 206-207; Richard, <i>Documents Chypriotes</i> , p. 16 and note 4).
<i>Cartzias</i>	96 to one white bezant (Metcalf, <i>Corpus of Lusignan Coinage</i> , III, 133)
<i>Gros grand</i>	24 deniers (i.e. 0.5 white bezants) before King James I (Metcalf, <i>Corpus of Lusignan Coinage</i> , II, 24-25 and III, 133).
<i>Gros petit</i>	12 deniers (i.e. 0.25 white bezants) before King James I (Metcalf, <i>Corpus of Lusignan Coinage</i> , II, 24-25 and III, 133).
<i>Drahans</i>	32 deniers ( <i>RHC Lois</i> , II, 177 note b).
<i>Karoubles</i> (also carats)	24 <i>karoubles</i> to one white bezant (Richard, <i>Documents Chypriotes</i> , p. 17).
<i>Rabouins</i>	3 sous (i.e. 0.75 white bezants or approx. one fourth of a Saracen bezant. See Schabel, <i>Synodicum Nicosiense</i> , pp. 176-177; Prawer, 'Origin of the Court of Burgesses', p. 280)
Sous ( <i>solidi</i> )	One fourth of a white bezant or one third of a <i>rabouin</i> (Richard, <i>Documents Chypriotes</i> , p. 17; Schabel, <i>Synodicum Nicosiense</i> , pp. 176-177).
Marks	A Venetian unit of currency worth 454 <i>cartzias</i> (Hill, <i>The History of Cyprus</i> , III, 877 note 3).
Marks of silver	25 white bezants ( <i>RHC Lois</i> , II, Chapter 29, p. 258).
Deniers ( <i>denarii</i> )	48 to one white bezant (Metcalf, <i>Corpus of Lusignan Coinage</i> , I, 9 and 20) and 96 to one white bezant after the devaluation under King James I (Metcalf, <i>Corpus of Lusignan Coinage</i> , III, 133).



Table of weights and measures current on Lusignan Cyprus, and alluded to in both the Greek manuscripts of the *Livre des Assises des Bourgeois* edited and published by C. Sathas.

Weights and measures	Present-day equivalents
Modius ( <i>muid</i> , μόδιον)	100 Sicilian <i>salmae</i> = 825-830 modii, 1 <i>salma</i> = 315.5 litres, and so one Cypriot modius = approx. 38 litres (Pegolotti, <i>La Pratica della Mercatura</i> , p. 94; Richard, <i>Documents Chypriotes</i> , p. 20 and note 4; Prawer, 'Palestinian Agriculture', p.178 and note 138)
Quintar (hundredweight, καντάρι)	226.4 kg, or one hundredth of a <i>rotulus</i> (= 2,264 kg). (Pegolotti, <i>La Pratica della Mercatura</i> , pp. 76-77; Richard, <i>Documents Chypriotes</i> , pp. 18-19).
Ounce (ουγγιά)	188 g (Pegolotti, <i>La Pratica della Mercatura</i> , pp. 77 and 409; Richard, <i>Documents Chypriotes</i> , p. 19).
Carat (κουκίν)	0.17 g (Pegolotti, <i>La Pratica della Mercatura</i> , pp. 77 and 408; Richard, <i>Documents Chypriotes</i> , p. 18 and note 10).
Metra (metreta, μέτρον)	20-25 litres (Richard, <i>Documents Chypriotes</i> , p. 19 and note 2).
Quarteronus	8-9 quarteroni of Famagusta or 15 quarteroni of Nicosia corresponded to 1 metra (Pegolotti, <i>La Pratica della Mercatura</i> , p. 80; Richard, <i>Documents Chypriotes</i> , p. 19 and note 2).
Butt (botticela, μπουτιζέλα)	120 quarteroni of Famagusta or approx. 330 litres (Pegolotti, <i>La Pratica della Mercatura</i> , p. 80; Richard, <i>Documents Chypriotes</i> , p. 19 and note 3).

THE ASSIZES OF  
THE LUSIGNAN KINGDOM  
OF CYPRUS

CODEx ONE



## THE ASSIZES OF JERUSALEM: TABLE OF CONTENTS

This expounds and interprets the table of this book of the judgement of the court of the viscount, which the most noble lord and councillor of the kingdom of Jerusalem, named Count Godfrey of Bouillon, had written in the French language in the same kingdom of Jerusalem, and which was translated into Greek by the officials.<sup>1</sup>

**Article 1.** (Kausler, i). Firstly the undertaking of the present book is to facilitate the passing of judgement, and for justice to be dispensed to all.<sup>2</sup>

**Article 2.** (Kausler, ii). What calibre of person is entitled to be the lord of the country, to pass judgement, and to strive for the application of justice towards all persons.

**Article 3.** (Kausler, iii). What calibre of person the viscount should be and how the affairs of his lord should be conducted.<sup>3</sup>

**Article 4.** (Kausler, iv). What calibre of person can be appointed viscount<sup>4</sup> and by whose consent, how he should dispense justice towards each person, and how he can direct a court to pass judgement.

**Article 5.** (Kausler, v). The range of matters within the jurisdiction of the *bailli*, the value to be placed on his services, and what he is to lose if he impounds things wrongfully.

**Article 6.** (Kausler, vi). How he is entitled to put an end to malpractice, and re-establish good practice, according to his lights, and without being prevented from doing so by the assessors.<sup>5</sup>

**Article 7.** (Kausler, vii). What calibre of person the assessors should be and the reasons for their appointment, namely to pass judgement over people according to

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1. The French text ('Assises de la Baisse Court', *Les Livres des Assises et des Usages dou Reaume de Jérusalem, sive leges et Instituta Regni Hierosolymitani*, ed. E.H. Kausler, 1 vol. (2nd vol. not published), (Stuttgart, 1839), hereafter Kausler, specifically states in the preamble that the Lower Court (*baisse court*) is the court of the viscount of the Kingdom of Cyprus.

2. Kausler, I, 1, i here states that this article will explain reason and justice, what person should be viscount, and what person should or should not be the court assessors, and goes on to say how men and women should be judged, as well as how certain criminal, commercial and property issues should be handled.

3. Kausler, I, 2, iii here states how the *bailli* of the town is established to hear all those appearing before him with legal charges, and how he should serve the king.

4. Kausler, I, 2, iv has '*bailli*, that is to say viscount'.

5. Kausler, I, 2, vi *om.* 'according ... assessors'. The Greek word *κριτής*, normally meaning judge, here corresponds to the French *jure* meaning *juror* or assessor, not *juge* meaning judge. See *Harrap's Paperback French-English Dictionary* (London, 1986), pp. 214-215.

truth and justice.<sup>6</sup>

**Article 8.** (Kausler, viii). What things the assessors can do, and what they cannot do, and how they should be removed from association with the other assessors on doing the latter, as well as how they should tread a straight path.<sup>7</sup>

**Article 9.** (Kausler, ix). How the assessors are obliged to listen to the report of the crime, and to the response of the person summoned, and to discern what is right and dispense justice according to their conscience.<sup>8</sup>

**Article 10.** (Kausler, x). And how the assessors are not entitled to take counsel from anyone, or listen to anyone, once they sit in judgement, nor divulge the secrets of the court to anyone.

**Article 11.** (Kausler, xi). Regarding the powers of the assessors and what they can do for people who are not in agreement prior to judgement.

**Article 12.** (Kausler, xii). The powers of those assessors appointed to advise and redress the grievances of widows and orphans, and of all those soliciting their judgement, and when they do not wish to give advice when asked to do so in court.<sup>9</sup>

**Article 13.** (Kausler, xiii). An exposition of the rights of the holy church, and how no secular person is entitled to enjoy them, nor may anyone usurp such rights in violation of the law.

**Article 14.** (Kausler, xiv). In which instances assessors are obliged to come to the assistance of the holy church.<sup>10</sup>

**Article 15.** (Kausler, xv). This discusses all procedures preceding the passage of judgement, what calibre of person is entitled to summon another before the court, and what calibre of person cannot do so.

**Article 16.** (Kausler, xvi). Regarding the servant, male or female, when they summon their master to court, and what fine they are liable to pay.

**Article 17.** (Kausler, xvii). What kinds of people may summon someone to court on behalf of other persons, and what kind may not.<sup>11</sup>

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6. Kausler, I, 2, vii *om.* 'namely ... justice'. For the composition of the Court of Burgesses on Cyprus, in which a knight titled viscount or *bailli* presided over assessors recruited from the local Latin burgess population, see P. Edbury, *The Kingdom of Cyprus and the Crusades* (Cambridge, 1991, 1994<sup>2</sup>), p. 193.

7. Kausler, I, 2, viii *om.* 'as well as ... path'.

8. Kausler, I, 2, ix here states what the assessors are obliged to do once the court is in session, and how they should not tread other than a straight path.

9. The Greek text omits 'and when ... in court', found in Kausler, I, 3, xii.

10. Kausler, I, 3, xiv here has '... how that pertaining to the holy church should be secure and safeguarded, and how the royal court and assessors are obliged to assist the holy church and to hear and judge its pleadings'.

11. The Greek text omits 'and what kind may not', found in Kausler, I, 3, xvii.



**Article 18.** (Kausler, xviii). Regarding persons who may not summon another to court, neither on their own account, nor on another's behalf.

**Article 19.** (Kausler, xix). Regarding a person entitled to summon others to court on his own account, and on behalf of another.

**Article 20.** (Kausler, xx). Regarding an advocate, should he wish to be the procurator in court over an issue regarding some person, and how he should act in the manner prescribed by the court.

**Article 21.** (Kausler, xxi-xxiii). Regarding one who is a minor, and those losing what is theirs according to the law, and the issues over which such persons can bring an action in court.<sup>12</sup>

**Article 22.** (Kausler, xxiv). Regarding matters over which people cannot have recourse to the courts, and those over which they can.

**Article 23.** (Kausler, xxv). Regarding the passing of judgement, and beginning with that of the king.<sup>13</sup>

**Article 24.** (Kausler, xxvi). This explains the powers the king has over his people, his obligations towards them, and their corresponding obligations towards him, in accordance with their oath to the king.<sup>14</sup>

**Article 25.** (Kausler, xxvii). Regarding the buyer and the seller, which sales are valid, and which are invalid.<sup>15</sup>

**Article 26.** (Kausler xxviii). Regarding the buyer and the seller, in instances where one part of the sum is held as security.<sup>16</sup>

**Article 27.** (Kausler, xix). Regarding the trader who is in lawful possession of whatever he has purchased and then repents having purchased it.

**Article 28.** (Kausler, xxx). Regarding a person selling his inheritance, and what legal rights his relatives possess.

**Article 29.** (Kausler, xxxi). Regarding a person who buys a house and holds it for a year and a day without being challenged. Also what he who sells a house must pay as dues to the king.<sup>17</sup>

**Article 30.** (Kausler, xxxii). Regarding one who receives a house or property as security, and if the property is rentable, to whom it should be paid, and whether the person living in the house he has obtained as security should pay rent to the owner.

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12. Kausler, I, 4, xxi *om.* 'and the issues ... in court'.

13. Kausler, I, 4, xxiii, has *Item hec est de eodem* (This is the same issue once again).

14. Kausler, I, 4, xxiv has 'Here you will here on what matters actions should not be brought to court, and should not be heard'.

15. Kausler, I, 4-5, xxvii *add.* the words 'neither by law nor by the assizes' at the end of the sentence.

16. Kausler I, 5, xviii *add.* 'or [the buyer] withholds one *denarius*'.

17. Kausler, I, 5, xxxi *add.* 'and what dues are payable by the person buying it'.

**Article 31.** (Kausler, xxxiii). Regarding one who sells a restive horse, and the person buying it.

**Article 32.** (Kausler, xxxiv). Regarding a person who buys or sells a slave, male or female, who has become seriously ill.<sup>18</sup>

**Article 33.** (Kausler, xxxv). Regarding one who buys or sells a slave subsequently found to have leprosy.

**Article 34.** (Kausler, xxxvi). Regarding one who buys a piglet or a sow that is then found to be sick.

**Article 35.** (Kausler, xxxvii). Regarding a town crier who sells a security without its owner's knowledge.

**Article 36.** (Kausler, xxxviii). Regarding men or women who buy or sell things belonging to the church.

**Article 37.** (Kausler, xxxix). Regarding one who sells a horse to another and is not paid within the time agreed.

**Article 38.** (Kausler, xl). Regarding one who lends his horse or his mule to another person, who happens to be the guarantor of a third party.<sup>19</sup>

**Article 39.** (Kausler, xli). Regarding vendors who show a good sample of merchandise to the buyer, and then sell other than what was shown.

**Article 40.** (Kausler, xlii). Regarding the lending of articles transported across the sea for the acquisition of profits.<sup>20</sup>

**Article 41.** (Kausler, xliii). Regarding the rights of seafarers, that is those of sailors on ships and boats, and of all plying their trade by sea.<sup>21</sup>

**Article 42.** (Kausler, xliv). Regarding one who has entrusted his merchandise to be taken to a predetermined place, which merchandise is then taken elsewhere.<sup>22</sup>

**Article 43.** (Kausler, xlv). Regarding things on the high seas that must be thrown overboard on account of bad weather.<sup>23</sup>

**Article 44.** (Kausler, xlvi). The law regarding sailors who have come together and prepared themselves to embark on a voyage, and having committed themselves change their mind.

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18. Kausler, I, 5, xxxiv *add* 'what should be done over this'.

19. Kausler, I, 6, xl *add* 'and how he can rightfully recover the horse'.

20. Kausler, I, 6, xlii prefaces this article with the words 'Since we have seen the other laws above, it is right that we examine ...'. For the nature and obligations attendant on this type of loan see E. Ashtor, *Levant Trade in the Later Middle Ages*, (Princeton, 1983), pp. 372, 377-382.

21. Kausler, I, 6, xliii *add*. 'what King Aimery (of Jerusalem) established'.

22. Kausler, I, 7, xliv *add*. 'and the person taking it to a place other than that agreed on makes a profit or loss'.

23. Kausler, I, 7, xlv *add*. 'so as to lighten the ship or the vessel'.

**Article 45.** (Kausler, xlvii). Regarding one who takes prohibited articles to Muslim lands, such as weapons, cuirasses, lead, iron, and all manner of armaments.<sup>24</sup>

**Article 46.** (Kausler, xlviii). Regarding goods consigned to a sea voyage, which are then seized by pirates, or are lost on account of shipwreck.

**Article 47.** (Kausler, xlix). Regarding those things thrown overboard, and the entitlement of whomsoever finds them at the bottom of the sea, or afloat on it.

**Article 48.** (Kausler, l, title and text missing). Regarding one who has lent his property, where the borrower wishes to return other than what was lent.<sup>25</sup>

**Article 49.** (Kausler, li, title missing). Regarding one who has lent something belonging to another, and on being summoned to return it by the owner, gives him something of greater or lesser value.<sup>26</sup>

**Article 50.** (Kausler, lii). Regarding one who does not acknowledge a debt and subsequently does acknowledge it.<sup>27</sup>

**Article 51.** (Kausler, liii). Regarding one who has lent things belonging to him to another and brings forward two witnesses, in the event where one of them dies.

**Article 52.** (Kausler, liv). Regarding a debt acknowledged in part by the debtor, who nonetheless denies owing the remainder.

**Article 53.** (Kausler, lv). Regarding one who has pledged his horse as security.

**Article 54.** (Kausler, lvi). Here you shall hear the law regarding items pledged as security, which are then lost.

**Article 55.** (Kausler, lvii). Regarding one unable to pay his debts.

**Article 56.** (Kausler, lviii). Regarding Latin and Syrian debtors.<sup>28</sup>

**Article 57.** (Kausler, lix). Regarding the law on Latins and Muslims.

**Article 58.** (Kausler, lx). Regarding Latins and Greeks<sup>29</sup> and the witnesses they require.

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24. Kausler, I, 7, xlvii *add.* 'and what justice should have done to the person taking them'. Regarding the papal prohibition of trade with the Muslims in an overall European and Mediterranean context, see Ashtor, *Levant Trade*, pp. 17-63

25. The corresponding French title can be found in Venice, xlvii. See Kausler, I, 7, xlvii (Venice), and note 1.

26. The corresponding French title can be found in Venice xlviii. See Kausler, I, 7, xlviii (Venice), and note 2.

27. Kausler, I, 8, lii *add.* 'without being so compelled by witnesses, and what law should be applied over this'.

28. Kausler, I, 8, lviii, *om.* 'debtors'.

29. The word 'Romans' (Ρωμαίοι) in the Greek text is translated throughout as Greeks, as it refers to the Greek population of Cyprus who were formerly subjects of the Byzantine empire, not to Romans in the classical sense, that is citizens of ancient Rome who spoke Latin.

**Article 59.** (Kausler, lxi). The law regarding Greeks and Armenians.<sup>30</sup>

**Article 60.** (Kausler, lxiii). The law regarding Jacobites and Nestorians.<sup>31</sup>

**Article 61.** (Kausler, lxiii). The law regarding Samaritans and Muslims.<sup>32</sup>

**Article 62.** (Kausler, lxiv). Here you shall hear the law regarding persons summoned to court on account of being in debt.

**Article 63.** (Kausler, lxv-lxvi). Regarding guarantors who remain in this state on behalf of others.

**Article 64.** (Kausler, lxvii). Regarding a guarantor who initially refuses to acknowledge his obligation and subsequently does so.<sup>33</sup>

**Article 65.** (Kausler, lxviii). Regarding a debtor who has sold the security of his guarantor for a sum greater than the sum he owed, and how the surplus should be returned.

**Article 66.** (Kausler, lxix). Regarding one who entrusts the securities received to his debtor, after it has come into his possession.

**Article 67.** (Kausler, lxx). Regarding guarantors wishing to be relieved of this obligation, and when this is possible or otherwise.

**Article 68.** (Kausler, lxxi). Hear the law regarding the property of the guarantor.

**Article 69.** (Kausler, lxxii). Regarding the debtor who allows the property of his guarantors to be sold.<sup>34</sup>

**Article 70.** (Kausler, lxxiii). Regarding guarantors who no longer have any obligations in this regard, or have departed from the kingdom.

**Article 71.** (Kausler, lxxiv). Regarding property pledged as security, and how long it may be held prior to its sale.

**Article 72.** (Kausler, lxxv). The law regarding property withdrawn from its initial sale without the consent of its owner.<sup>35</sup>

**Article 73.** (Kausler, lxxvi). Regarding guarantors who died before paying what they had guaranteed, and to whom the creditor should turn.

**Article 74.** (Kausler, lxxvii). Regarding one who has received something from his debtor in order to allow him an extended period of repayment.

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30. Kausler, I, 8, lxi *add.* 'and what testimony they need in court'.

31. Kausler, I, 8, lxii has 'Here the law is explained regarding Syrians and Nestorians', a chapter missing from the Greek text.

32. Kausler, I, 8, lxiii has 'Here is explained the law regarding Nestorians and Jacobites', but also includes the law on Samaritans and Muslims.

33. Kausler, I, 9, lxvii has 'Here you shall hear the law on a guarantee offered'.

34. Kausler, I, 9, lxxii *add.* 'and has nothing with which to make them good'.

35. Kausler, I, 9, lxxv *add.* 'and who then sells it another day for less, and on who should shoulder the loss and who should pay for it, the owner of the security or the seller'.

**Article 75.** (Kausler, lxxviii). Regarding a guarantor who lacks the wherewithal to repay a debt.<sup>36</sup>

**Article 76.** (Kausler, lxxix). Regarding the guarantor, when and under which circumstances he can be released from this obligation.<sup>37</sup>

**Article 77.** (Kausler, lxxx). Regarding the guarantor who acknowledges only one half of his initial guarantee.

**Article 78.** (Kausler, lxxxi). Regarding the seizure of a security from the guarantor by force.

**Article 79.** (Kausler, lxxxii). Regarding who can sell the house of his debtor, whether this be the guarantor or the creditor, which sale has legal validity, and which sale does not.<sup>38</sup>

**Article 80.** (Kausler, lxxxiii). The law regarding the properties of guarantors which have been sold, and who is entitled to be a beneficiary of such sales.

**Article 81.** (Kausler, lxxxiv). Regarding one who has lent his beast to another, who happens to be a debtor, or a guarantor of someone else, and under what circumstances the owner may lose his beast.

**Article 82.** At this point the law concerning Latins begins.

**Article 83.** (Kausler, lxxxvi). Regarding the servant, the authority of the lord in relation to his servant, and of the servant in relation to his lord.

**Article 84.** (Kausler, lxxxvii). Regarding the servant, or the chambermaid who have come across a treasure trove, and who is entitled to it.<sup>39</sup>

**Article 85.** (Kausler, lxxxviii). Regarding the servant<sup>40</sup> who steals something belonging to his lord.

**Article 86.** (Kausler, lxxxix). Regarding the servant or the chambermaid who lose something belonging to their lord.

**Article 87.** (Kausler, xc). Regarding a lord who beats his servant.<sup>41</sup>

**Article 88.** (Kausler, xci). Regarding the tailor who sews the garments of other people, a law likewise applicable to all other craftsmen.

**Article 89.** (Kausler, xcii). Regarding one who has rented his house, and when the tenant can return it.

36. Kausler, I, 10, lxxviii *add.* 'and of the debtor who can easily be arrested and seized'.

37. Kausler, I, 10, lxxix *add.* 'and when he cannot be released'. 38. The Greek text, stating 'Regarding who can sell the house of his debtor or guarantor, or the creditor ...', is corrupted, and has been corrected by reference to Kausler, I, 10, lxxxii.

38. The Greek text, stating 'Regarding who can sell the house of his debtor or guarantor, or the creditor ...', is corrupted, and has been corrected by reference to Kausler, I, 10, lxxxii.

39. Kausler, I, 11, lxxxvii *add.* 'whether this be the servant or the lord'.

40. Kausler, I, 11, lxxxviii *add.* 'or the female chamberlain'.

41. Kausler, I, 11, xc *add.* 'or his chambermaid'.



**Article 90.** (Kausler, xciii). Regarding the above matter.<sup>42</sup>

**Article 91.** (Kausler, xciv). Regarding a tenant who refuses to pay the rent of his house.<sup>43</sup>

**Article 92.** (Kausler, xcv). Regarding one who hires out his beast of burden, or his horse, which then dies.<sup>44</sup>

**Article 93.** (Kausler, xcvi). Regarding the driver of camels who hires out his camels, which then wreak damages.

**Article 94.** (Kausler, xcvi). Regarding a hired beast which collapses of exhaustion in the road and dies, and who is liable for damages.<sup>45</sup>

**Article 95.** (Kausler, xcvi). Regarding one who hires the beast of another and then has it impounded, and who is liable for damages if it dies.

**Article 96.** (Kausler, xcix). Regarding one who has hired a beast, and having hired it, sells it, or pledges it as security for a debt,<sup>46</sup> and then the buyer also pledges it as security.

**Article 97.** (Kausler, c). Regarding those who farm out their houses, or fields or estates, for rent.

**Article 98.** (Kausler, ci). Regarding someone who receives something for which rent is payable, and does not pay the rent.<sup>47</sup>

**Article 99.** (Kausler, cii). Regarding one who leases something of his to another, and the other party does not wish to pay him. The owner of the leasehold property then takes something as security and expends something on it, and who is liable to pay these expenses.

**Article 100.** (Kausler, ciii). Latin legal enactments.

**Article 101.** (Kausler, ciii and cv). Regarding goods surrendered by one person to another *in commendam*.<sup>48</sup>

**Article 102.** (Kausler, civ). Regarding goods surrendered by one person to another, that is to another party, when the goods given *in commendam* are lost.

**Article 103.** (Kausler, cvi). Regarding goods *in commendam* given by one person to another.

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42. Kausler, I, 11, xciii has 'On burgess-tenancies (Des borgessies)'.

43. Kausler, I, 11, xciv *add.* 'and what the man or woman renting it to him can obtain from him'.

44. Kausler, I, 11, 95 *add.* 'and who must make good the damage'. 45. Kausler, I, 12, xcvi *add.* 'whether this be the person hiring it out or the person who rode it on the road'.

45. Kausler, I, 12, xcvi *add.* 'whether this be the person hiring it out or the person who rode it on the road'.

46. Kausler, I, 12, xcix concludes with 'or it is taken on account of a debt which he owes someone'.

47. Kausler, I, 12, ci *add.* 'and to whom the owner of the article can have recourse'.

48. Regarding the nature and obligations of this type of commercial contract, see Ashtor, *Levant Trade*, pp. 43, 373, 378-382.

**Article 104.** (Kausler, cvii). Regarding two persons entrusting goods to a hotelier.<sup>49</sup>

**Article 105.** (Kausler, cviii). Regarding the associations formed by persons among themselves to commit themselves to a journey by sea, and the same matter in Latin.<sup>50</sup>

**Article 106.** (Kausler, cix). Once again regarding the associations formed by persons.

**Article 107.** (Kausler, cx). Regarding an associate who causes harm to the association.

**Article 108.** (Kausler, cxii). Regarding agreements concluded by persons among themselves.

**Article 109.** (Kausler, cxiii). Regarding one who concludes an agreement with another in order to visit harm upon a third party.<sup>51</sup>

**Article 110.** (Kausler, cxiv). Regarding those who agree to do something evil, and accomplish this, and the action to be taken.<sup>52</sup>

**Article 111.** (Kausler, cxv). Regarding an oath taken before witnesses, and what action must be taken before the matter goes to court.

**Article 112.** The same matter pertaining to the Latins, according to the royal laws.

**Article 113.** (Kausler, cxvi). Regarding those summoned to appear before the court on a predetermined day.<sup>53</sup>

**Article 114.** (Kausler, cxviii). Regarding one summoned to appear in court, but who fails to arrive on the appointed day.<sup>54</sup>

**Article 115.** (Kausler, cxix). Regarding one who lives far from the town, and fails to appear in court on the appointed day.

**Article 116.** (Kausler, cxx). Regarding one unable to appear in court on the day appointed, and concerning the oath taken by his servant on the behalf of the person who revoked his day.

**Article 117.** (Kausler, cxxi). Regarding the claimant, the instances in which he loses his case, and those in which he<sup>55</sup> wins it.

**Article 118.** (Kausler, cxxii). Regarding a wounded person in cases where the wound is gaping.<sup>56</sup>

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49. Kausler, I, 13, cvii *add.* 'and how the hotelier is obliged to make good this article given *in commendam*'.

50. Kausler, I, 13, cviii *om.* 'and ... in Latin'.

51. Kausler, I, 13, cxiii *om.* 'upon a third party'.

52. Kausler, I, 13, cxiv *om.* 'and ... taken'.

53. Kausler, I, 13, cxvi has 'Since you have heard the other laws, it is right that you know why the court gives days to the litigants'.

54. Kausler, I, 14, cxviii *add.* 'and how much he is obliged to give the court'.

55. Kausler, I, 14, cxxi has 'the defendant wins it'.

56. Kausler, I, 14, cxxii *add.* 'and the person inflicting it, and if he (i.e. the victim) should have a day for his claim or not'.

**Article 119.** (Kausler, cxxiii). Regarding one who summons another to court, and has a day appointed for the case, but does not specify the charges.<sup>57</sup>

**Article 120.** (Kausler, cxxiv). Regarding a guarantor who guarantees that another will appear in court on his appointed day.<sup>58</sup>

**Article 121.** (Kausler, cxxv). Regarding the rights that all persons are entitled to have before the viscount over the litigation that takes place in his presence.

**Article 122.** (Kausler, cxxvi). Regarding the clergy, the so-called men of religion who lodge a claim before the royal court, and when subsequently they lose the case their superiors are unwilling to honour the actions taken by their brothers.

**Article 123.** (Kausler, cxxvii). Regarding a legal action not resolved on account of disagreement among the assessors.

**Article 124.** (Kausler, cxxviii). Regarding a man bringing charges against a married woman.<sup>59</sup>

**Article 125.** (Kausler, cxxix). Regarding one who appoints as his guarantor a woman who happens to be married, and if this is valid.

**Article 126.** (Kausler, cxxx). Regarding a man who marries a widow, who herself happens to be in debt.<sup>60</sup>

**Article 127.** (Kausler, cxxxi). Regarding one who deflowers a virgin, whether this takes place with her consent, or with the use of force.<sup>61</sup>

**Article 128.** (Kausler, cxxxii). Regarding one who has deflowered a virgin and wishes to undergo a judicial ordeal, maintaining that he did not do this.<sup>62</sup>

**Article 129.** (Kausler, cxxxiii). Regarding charges brought forward, the ones for which the parties concerned are entitled to a lawyer, and the ones for which they are not entitled to one.

**Article 130.** (Kausler, cxxxiv-cxxxv). Regarding the witnesses needed by persons bringing charges, and who should give witness before the court for another person.

**Article 131.** (Kausler, cxxxvi). Regarding one who wishes to bring forward testimony for a reward, and what the law states regarding the person who does so.

**Article 132.** (Kausler, cxxxvii). Likewise, regarding the same issue.<sup>63</sup>

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57. Kausler, I, 14, cxiii *add.* 'and what law should be applied'.

58. Kausler, I, 14, cxxiv *add.* 'and the person guaranteed does not appear on his day, and in what court the guarantor is liable for the person whom he has guaranteed'.

59. Kausler, I, 15, cxxviii *add.* 'whether she must offer a defence in court or not, and within what deadline'.

60. Kausler, I, 15, cxxx *add.* 'and who must pay the debt'.

61. Kausler, I, 15, cxxxi *add.* 'without the knowledge of her father and mother or of those having custody over her, and what law should be applied to the person doing this'.

62. Kausler, I, 15, cxxii *add.* 'and what law must be applied regarding the one who comes through the judicial ordeal, and the one who does not come through it'.

63. Kausler, I, 16, cxxxvii *add.* 'who is able to offer testimony and who is not'.

**Article 133.** (Kausler, cxxxviii). Regarding a witness wishing to testify against a woman, and whether a judicial duel is required or not over this testimony.

**Article 134.** (Kausler, cxxxix). Regarding the viscount and his toll-gatherers, who are the officers keeping the tolls, when they wish to offer testimony in court, and if it is valid.<sup>64</sup>

**Article 135.** (Kausler, cxl). Regarding written testimony, when it is valid and when it is not valid.

**Article 136.** (Kausler, cxli). Regarding written documents, which kinds are valid and which kinds are not valid.

**Article 137.** (Kausler, cxlii). Regarding the written testimony of members of the communes.<sup>65</sup>

**Article 138.** (Kausler, cxliii). Regarding written documents not witnessed, and whether they are valid or not.

**Article 139.** (Kausler, cxliv). Matters which are within the jurisdiction of the courts of the communes, and those written documents<sup>66</sup> which are within the exclusive jurisdiction of the royal court.

**Article 140.** (Kausler, cxlv). Regarding one wishing to submit testimony before the court, who happens to be wounded and over 60 years of age, and whether he can be relieved of this obligation and nominate another in his place.

**Article 141.** (Kausler, cxlvi). Regarding a wounded man summoned to fight a duel.

**Article 142.** (Kausler, cxlvii). Regarding one who refuses to repay a debt owed to a dead man.

**Article 143.** (Kausler, cxlviii). Regarding persons not entitled to be summoned as witnesses.

**Article 144.** (Kausler, cxlix). Regarding a person under canon law, who is described as a man of religion, and regarding his testimony, as well as that of the priest and the lector, and under what conditions it is valid or otherwise.

**Article 145.** (Kausler, cl). Regarding charges forwarded, and here are the laws pertaining to the Latins.<sup>67</sup>

64. Kausler, I, 16, cxxxix has 'et ne doit valeir (it should not be valid)'.

65. In the course of the thirteenth and fourteenth centuries, the mercantile communities of Venice, Genoa, Provence, Catalonia and other places had their own resident populations in Cyprus, organised institutionally into communes, each being under its own consul. These communes enjoyed legal and commercial privileges granted to them by the crown of Cyprus. See D. Jacoby 'Το Εμπόριο και η Οικονομία της Κύπρου', and M. Balard 'Οι Γενουάτες στο Μεσαιωνικό Βασίλειο της Κύπρου', in *Ιστορία της Κύπρου, Μεσαιωνικόν Βασίλειον, Ενετοκρατία*, ed. Th. Papadopoulos, IV (Nicosia, 1995), 259-332 and 387-454.

66. Kausler, I, 16, cxliv has 'matters'.

67. Kausler, I, 17, cl has 'Here you shall hear the law on charges which persons forward together, as over a wall they have in common, so to speak'.

**Article 146.** (Kausler, cli). Regarding two burgesses<sup>68</sup> who have a dispute over a house, and under what circumstances the assessors and viscount are obliged to look into the dispute.

**Article 147.** (Kausler, clii). Regarding one placing his roof-beam upon the wall of another.

**Article 148.** (Kausler, cliii). Regarding an expanse of uncultivated land, a so-called gastine, which had houses on it long ago and now someone wishes to build on it, and what rights he should have.

**Article 149.** (Kausler, cliv). Regarding the compensation a man or a woman are entitled to outside the limits of their home.

**Article 150.** (Kausler, clv). The headings of various decrees pertaining to the Latins here begin and take effect.<sup>69</sup>

**Article 151.** (Kausler, clvi). How old a man and a woman must be prior to getting married in the holy church.

**Article 152.** (Kausler, clvii). On what grounds a married couple can be separated, when this takes place as required.

**Article 153.** (Kausler, clviii). Regarding a man who marries a woman related to him, and the priest who has joined them in holy matrimony.<sup>70</sup>

**Article 154.** (Kausler, clix). Regarding how a woman should become engaged and married, which marriages are acceptable, and the damages payable to the church by those whose marriage has been proscribed.

**Article 155.** (Kausler, clx). The fees payable on becoming engaged, and on breaking the engagement.

**Article 156.** (Kausler, clxi). Regarding one who has become engaged to a woman he no longer wishes to marry, and who has given her something, and whether he is entitled to have it back or not.

**Article 157.** (Kausler, clxii). Regarding a man [engaged to a woman] or a woman who has become engaged to a man when one or the other dies before the wedding, and what happens to their property.<sup>71</sup>

**Article 158.** (Kausler, clxiii). Regarding a widow who gets married to another man within the year.

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68. The burgesses were town dwellers, and were separate from the various classes of peasants and the nobility not only as regarded occupation and place of residence, but also jurisdictionally. See H.E. Mayer, *The Crusades* (Oxford, 1972, repr. 1988 & 1990), pp. 155-156 and 176-177.

69. Kausler, I, 17, clv has here a preamble on the laws concerning marriages.

70. Kausler, I, 18, clviii *add.* 'and those who witnessed the ceremony and what penalty they should be subject to'.

71. Kausler, I, 18, clxii *add.* 'which remains with their parents'.



**Article 159.** (Kausler, clxiv-clxv<sup>72</sup>). Regarding the alternative punishment that a woman who gets married to another man within a year and a day of her first husband's death is liable to.<sup>73</sup>

**Article 160.** (Kausler, clxvi). Regarding the son of the first husband who happens to die, and whether he can bequeath his mother any of his personal property.

**Article 161.** (Kausler, clxvii). Regarding one obliged to pay back the dowry given by his wife to her deceased former husband.

**Article 162.** (Kausler, clxviii). On what grounds a woman can ask for the return of her dowry, and how she may possess it.<sup>74</sup>

**Article 163.** (Kausler, clxix). Regarding one who does not have the wherewithal to return his wife's dowry to her.<sup>75</sup>

**Article 164.** (Kausler, clxx). Regarding the gifts a man gives his wife after having married her, and which gift is valid.<sup>76</sup>

**Article 165.** (Kausler, clxxi). Regarding the gifts someone may give his wife.<sup>77</sup>

**Article 166.** (Kausler, clxxii). Regarding the number of times a married couple can divorce.

**Article 167.** (Kausler, clxxiii). Regarding married couples that get divorced without reason.

**Article 168.** (Kausler, clxxiv). Regarding a married couple who get divorced and have children, and who should receive custody of them.

**Article 169.** (Kausler, clxxv). Regarding children born of fornication, and what entitlement they have from the inheritance of their father.<sup>78</sup>

**Article 170.** (Kausler, clxxvi). The same law pertaining to the Latins.

**Article 171.** (Kausler, clxxvii). Regarding when couples are entitled to marry, and on what days they cannot marry.

**Article 172.** (Kausler, clxxviii). Regarding married couples, and the court to which a wife may have her husband summoned.<sup>79</sup>

**Article 173.** (Kausler, clxix). Regarding a man to takes a woman in marriage with all her worldly goods.

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72. Kausler, I, 18, clxv concerns an alternative punishment for a woman remarrying within a year and a day after her husband's death.

73. Kausler, I, 18, clxiv *add.* 'or if she herself becomes pregnant by someone else within the same period'.

74. Kausler, I, 19, clxviii *add.* 'during her husband's lifetime'.

75. Kausler, I, 19, clxix *add.* 'and if any harm should come to him'.

76. Kausler, I, 19, clxx *add.* 'and which gift is not valid'.

77. Kausler, I, 19, clxxi *add.* 'and should be valid by law'.

78. Kausler, I, 19, clxxv *add.* 'and of their mother and regarding their possessions'.

79. Kausler, I, 20, clxxviii *add.* 'if her husband ill-treats her and beats her'.

**Article 174.** (Kausler, clxxx). Regarding the things that a wife and her husband can do and construct together.

**Article 175.** (Kausler, clxxxi). Regarding wills, which declaration is in Latin.<sup>80</sup>

**Article 176.** (Kausler, clxxxii). Regarding the final will of a husband and wife at the point of death.<sup>81</sup>

**Article 177.** (Kausler, clxxxiii). Regarding a man who dies intestate, and to whom his belongings should be given.<sup>82</sup>

**Article 178.** (Kausler, clxxxiv). Regarding a wife who predeceases her husband, and to whom her share of property should be given.

**Article 179.** (Kausler, clxxxv). Regarding goods which are being disputed before the court, and over which claims are forwarded a second time.

**Article 180.** (Kausler, clxxxvi). Regarding one who dies intestate without a wife or children.<sup>83</sup>

**Article 181.** (Kausler, clxxxvii). Regarding one who in his will bequeaths something rightfully belonging to his wife.<sup>84</sup>

**Article 182.** (Kausler, clxxxviii). Regarding a deceased person owing anything to another, man or woman, and who is then obliged to repay this debt.

**Article 183.** (Kausler, clxxxix). Regarding donations that a father or a mother can give their children whilst still living.<sup>85</sup>

**Article 184.** (Kausler, cxc). Regarding relatives coming into possession of the deceased's property, and following this are obliged to act on behalf of the deceased.<sup>86</sup>

**Article 185.** (Kausler, cxci). Regarding one coming into possession of a legacy, and who has married a woman similarly coming into possession of a legacy, who later falls into debt, and which legacies have to be sold.<sup>87</sup>

**Article 186.** (Kausler, cxcii). Regarding a man or a woman who are in debt, and who make a will at the point of death.

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80. Kausler, I, 20, clxxxi has 'Here you will hear, having heard the laws on marriage and the other laws, how it is right that you know the law on wills'.

81. Kausler, I, 20, clxxxii goes on to point out the obligation of the executors of the will to carry out faithfully the wishes of the deceased.

82. Kausler, I, 20, clxxxiii *add.* 'whether to his wife or to his parents'.

83. Kausler, I, 21, clxxxvi *add.* 'or parents, and who should have his possessions, the church or the crown'.

84. Kausler, I, 21, clxxxvii *add.* 'and whether this is valid or not'.

85. Kausler, I, 21, clxxxix *add.* 'or their death, by law'.

86. Kausler, I, 21, cxc *add.* 'and also if those effects of the deceased which are left are insufficient for honouring his liabilities'.

87. Kausler, I, 21, cxci *add.* 'have to be sold first to pay the debt, and which do not'.

**Article 187.** (Kausler, cxciii). Regarding a man who has died intestate and without making a final confession, who has no mother or father, or other relatives, and how the court should administer his estate.<sup>88</sup>

**Article 188.** (Kausler, cxciv). Regarding one who seeks to come into possession of a legacy bequeath to him by others in a will prior to their death, and how he can show through summoning witnesses that which has been left to him and which he seeks.

**Article 189.** (Kausler, cxcv). Regarding a legacy bequeathed by a wife to her husband at the point of her death, on condition that he should not take another wife.<sup>89</sup>

**Article 190.** (Kausler, cxcvi). Regarding the donations one makes at the point of death, on account of which the belongings of the deceased remain mortgaged to the recipient until he is paid.

**Article 191.** (Kausler, cxcvii). Regarding the donations made by a husband at the point of death to his wife.<sup>90</sup>

**Article 192.** (Kausler, cxcviii). Regarding the documents of the will, and who is entitled to draw them up.

**Article 193.** (Kausler, cxcix). Likewise regarding the witnesses who should be present when the will is drawn up.<sup>91</sup>

**Article 194.** (Kausler, cc). Regarding a baptised man or woman who have made a will and then died.<sup>92</sup>

**Article 195.** (Kausler, cci). Regarding one who has been baptised and who dies childless and intestate.<sup>93</sup>

**Article 196.** (Kausler, ccii). Regarding the number of times a freed slave, male or female, can be reduced to servitude.<sup>94</sup>

**Article 197.** (Kausler, cciii). Regarding one who makes his slave a beneficiary in his will.<sup>95</sup>

**Article 198.** (Kausler, cciv). Regarding one who frees his slave, and the manner in which he should award him<sup>96</sup> his freedom.

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88. Kausler, I, 22, cxciii *add.* 'before it devolves upon the ruler by law'.

89. Kausler, I, 22, cxcvi *add.* 'and he then marries another woman, and whether the gift made to him should remain with him or not'.

90. Kausler, I, 22, cxcvii *add.* 'which gifts are valid, [and which are not] nor should be honoured'.

91. Kausler, I, 22, cxcix *add.* 'to the exclusion of others'.

92. Kausler, I, 23, cc *add.* 'and what right over these goods his emancipator, that is the person who made him a Christian, has'.

93. Kausler, I, 23, cci *add.* 'and who should lawfully have all the baptised person's belongings, whether it be the person who made him Christian or the ruler'.

94. Kausler, I, 23, cii *add.* 'after having become Christian'.

95. Kausler, I, 23, cciii *add.* 'and what this slave is then obliged to do, willingly or otherwise'.

96. Kausler, I, 23, cciv *add.* 'or her'.

**Article 199.** (Kausler, ccv). Regarding one who has mortgaged his slave and wishes to free him.<sup>97</sup>

**Article 200.** (Kausler, ccvi). Regarding a person who of his own volition agrees to be sold like a Muslim [slave] in order to repay a debt.

**Article 201.** (Kausler, ccvii). Regarding one harbouring a stolen slave, male or female, within his home.<sup>98</sup>

**Article 202.** (Kausler, ccviii). Regarding a slave who committed some wrongdoing while still a slave, and was subsequently freed.<sup>99</sup>

**Article 203.** (Kausler, ccix). Regarding a slave, male or female, who strikes or beats up a Christian, with or without just cause.<sup>100</sup>

**Article 204.** (Kausler, ccx). Regarding gifts given by one to another.<sup>101</sup>

**Article 205.** (Kausler, ccxi). Regarding the kind of gifts that can be made and those that cannot be made, and whether an article given can be returned.<sup>102</sup>

**Article 206.** (Kausler, ccxii). Regarding a gift which one person gives to another, for the latter to take it for himself and because the donor owes him something.<sup>103</sup>

**Article 207.** (Kausler, ccxiii). Regarding one who commits himself to do something for another person.<sup>104</sup>

**Article 208.** (Kausler, ccxiv). Regarding the *baillis* and seneschals of the lords, their obligations towards their lords, and their lords' obligations towards them.

**Article 209.** (Kausler, ccxv). Regarding the loan taken out by a son, and whether the father is obliged to repay it.<sup>105</sup>

**Article 210.** (Kausler, ccxvi). Regarding one who has to repay another within a set time limit, in instances where the security pledged is declining in value.<sup>106</sup>

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97. Kausler, I, 23, ccv *add.* 'whether he can do this or not, as well as the person holding him as security'.

98. Kausler, I, 23, ccvii *add.* 'after this has been proclaimed throughout the town with the consent of the court'.

99. Kausler, I, 24, ccviii *add.* 'whether he is obliged to make amends by law or not'.

100. Kausler, I, 24, ccix *add.* 'and what should be done to the slave doing this'.

101. Kausler, I, 24, ccx *add.* 'which gift is valid and which gift should not be lawfully valid'.

102. Kausler, I, 24, ccxi *add.* 'now that the recipient has come into possession of it'.

103. Kausler, I, 24, ccxii has '... if he can give this gift to another who receives it for himself or for that which he (i.e. the donor) owes him'.

104. Kausler, I, 24, ccxiii *add.* 'which is a task, and whether he is obliged to do that which he has promised to do'.

105. Kausler, I, 24, ccxv *add.* 'and that which he has lost'.

106. Kausler, I, 25, ccxvi *add.* 'and who is liable for this depreciation, the person receiving the debt, or the person owing something'.

**Article 211.** (Kausler, ccxvii). Regarding a sinful woman, and whether that which has been given to her can be reclaimed.<sup>107</sup>

**Article 212.** (Kausler, ccxviii). Regarding one who has summoned to court somebody who is withholding a legacy from him.<sup>108</sup>

**Article 213.** (Kausler, ccxix). Regarding one not entitled to summon another to court to reclaim property belonging to his grandmother in her absence.<sup>109</sup>

**Article 214.** (Kausler, ccxx). Regarding one who asks from the wife of a deceased man to repay what her former husband owed him.

**Article 215.** (Kausler, ccxxi). Regarding houses, and fields, and vines, and how a claim should proceed if the land or the goods are elsewhere (i.e. not in Cyprus).<sup>110</sup>

**Article 216.** (Kausler, ccxxii). Regarding two sisters or brothers coming into property created or accumulated which has not been equitably distributed.<sup>111</sup>

**Article 217.** (Kausler, ccxxiii). Regarding one who has mortgaged his house, or other property, in instances where the mortgagee claims the property as belonging to him.

**Article 218.** (Kausler, ccxxiv). Regarding one claiming something not owed to him, or more than is owed to him.

**Article 219.** (Kausler, ccxxv). Regarding lost property, in the Latin language.<sup>112</sup>

**Article 220.** (Kausler, ccxxvi). Regarding one who has lost his animal and finds it in another's possession.

**Article 221.** (Kausler, ccxxvii). Regarding goods or livestock stolen and taken to Muslim territory, and then brought back to a Christian country.<sup>113</sup>

**Article 222.** (Kausler, ccxxviii). Regarding one who has lost something, and can remember on which day he lost it.

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107. Kausler, I, 25, ccxvii *add.* 'and the law regarding one who gives something to someone through fear of being found doing something wrong, whether he should recover that which he gave on account of this fear'.

108. Kausler, I, 25, ccxviii *add.* 'and what evidence he must furnish'.

109. Kausler, I, 25, ccxix has 'wife' instead of grandmother, and adds 'and how the court is obliged to grant possession to the person so demanding it of something due to him which is held by another by inheritance'.

110. Kausler, I, 25, ccxxi *add.* 'and what the court must do if he is not in the city where the possessions are customarily held, should he demand a hearing on account of inheriting any part of them'.

111. Kausler, I, 25, ccxxii *add.* 'if one is richer than the other, without including what their father or mother had apportioned between them, and what one brother is obliged to do for the other by law'.

112. Kausler, I, 26, ccxxv *add.* 'what law should be applied, and regarding those serfs who escape and depart from the bounds of the kingdom'.

113. Kausler, I, 26, ccxxvii *add.* 'and what rights thereafter should be enjoyed by the man or woman who had it and from whom it was taken furtively or forcibly or by any other manner'.



**Article 223.** (Kausler, ccxxix). Regarding one wrongfully and knowingly possessing something, which she gives by way of a dowry.<sup>114</sup>

**Article 224.** (Kausler, ccxxx). Regarding one who authorises two or three persons to judge his claim, the so-called arbitrators, and what someone failing to abide by their decision is liable for.

**Article 225.** (Kausler, ccxxxix). Regarding all claims against doctors.<sup>115</sup>

**Article 226.** (Kausler, ccxxxii). Regarding animals sent to veterinary surgeons, which die on account of not being treated well, or because they have been badly shod.<sup>116</sup>

**Article 227.** (Kausler, ccxxxiii). Regarding the concoctions doctors prepare with plants and which they administer to a patient, some palliative or herbal remedy, or stomach medicine, from which the patient dies.

**Article 228.** (Kausler, ccxxxiv). The reasons for which a father<sup>117</sup> can disinherit his children.

**Article 229.** (Kausler, ccxxxv). The reasons for which children can disinherit their father or mother.

**Article 230.** (Kausler, ccxxxvi). Regarding stolen property, and this law is in Latin.<sup>118</sup>

**Article 231.** (Kausler, ccxxxix-ccxl). Regarding a thief caught red-handed in the act of stealing someone's property.<sup>119</sup>

**Article 232.** (Kausler, ccxli). Regarding what should happen in instances where one strives to catch a thief in the act, but he escapes and persons cry after him as he does so.

**Article 233.** (Kausler, ccxlii). Regarding what should happen to the goods found on a thief, whether they belong to the person capturing him, or to the court.

**Article 234.** (Kausler, ccxliii). Regarding a Muslim thief apprehended in the house or garden of another person.

**Article 235.** (Kausler, ccxliv). Regarding something stolen and subsequently found in the possession of another person.

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114. Kausler, I, 26, ccxxix has 'Here you shall hear the law regarding one who holds something wrongfully, and because he knows it he either gives it to another as security, or sells it covertly or gives it in marriage to one of his children or relatives, so as to be absolved of this misdeed'.

115. Kausler, I, 27, ccxxxix *add.* 'who treat or incise a wound other than as they should, on account of which the wounded person dies, and what law should be applied to this doctor'.

116. Kausler, I, 27, ccxxxii *add.* 'who should make good this damage to the knight or burgess to whom this beast belongs'.

117. Kausler, I, 27, ccxxxiv *add.* 'and mother'.

118. The actual chapter begins not with the law concerning stolen property, but with a passage on market taxes, the reference to stolen property following this passage.

119. Kausler, I, 28, ccxl *add.* 'and what he or she who catch the thief are obliged to do'.



**Article 236.** (Kausler, ccxlv). Listen regarding one accused of being an evildoer, or a murderer, and who does not defend himself against these accusations.

**Article 237.** (Kausler, ccxlv). Regarding one who has stolen a horse, and is then found riding the horse.

**Article 238.** (Kausler, ccxlvii). Regarding the word and testimony of a thief, if it is trustworthy, that is to say valid, and how he should be taken to the scaffold.

**Article 239.** (Kausler, ccxlviii). Regarding one who takes small change or some other article from a thief who has been arrested.<sup>120</sup>

**Article 240.** (Kausler, ccxlix). Regarding slaves, male or female, who betake themselves to a Muslim country, and return once more to the Christians.<sup>121</sup>

**Article 241.** (Kausler, ccl). Regarding stolen goods put up for sale.<sup>122</sup>

**Article 242.** (Kausler, ccli). Regarding bee hives, and who should have the honey produced on a tree or in a field other than where the hive is located.<sup>123</sup>

**Article 243.** (Kausler, clii). Regarding stolen geese and hens.<sup>124</sup>

**Article 244.** (Kausler, ccliii). Regarding hawks, kestrels and falcons, and all birds of prey reared by the barons and knights for the chase.<sup>125</sup>

**Article 245.** (Kausler, ccliv). Regarding one who rents another's land for the purpose of building houses, which having built he wishes to demolish.<sup>126</sup>

**Article 246.** (Kausler, cclv). Regarding one wishing to extend his house.<sup>127</sup>

**Article 247.** (Kausler, cclvi). Regarding assaults, and this law is in Latin.<sup>128</sup>

**Article 248.** (Kausler, cclvii). Regarding assaults where one man assaults another.<sup>129</sup>

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120. Kausler, I, 29, ccxlviii *add.* 'and whom he allows to go free for this money'.

121. Kausler, I, 29, ccxlix *add.* 'and what rights he to whom he once belonged enjoys'.

122. Kausler, I, 29, ccl *add.* 'what law should be applied to the goods and to the vendor'.

123. Kausler, I, 30, ccli *add.* 'except if someone takes them away from there by force when they happen to be in other hives'.

124. Kausler, I, 30, cclii *add.* 'what law should be applied to this thief'.

125. Kausler, I, 30 ccliii has '... which barons, knights, burgesses and merchants are accustomed to rear for the chase, and which they lose on many occasions'.

126. Kausler, I, 30, ccliv *add.* 'and sell, and what rights the lord or lady of the land have in this matter'.

127. Kausler, I, 30, cclv *add.* 'on the first floor and make it extend over the public way, under what circumstances he can do this and under what circumstances he cannot'.

128. Kausler, I, 30, cclvi has 'Here you shall hear the law on assaults and on wounds which one man inflicts upon another, which judgements have been established over these deeds'.

129. Kausler, I, 30, cclvii has 'Here you shall hear the accusation one brings against another man, that he has pulled his beard, or torn his hair or robe or has caused blood to flow from his teeth or nose, what law should be applied over this accusation'.

**Article 249.** (Kausler, cclviii). Regarding one assaulting another in order to beat him up or kill him, and is witnessed doing so.<sup>130</sup>

**Article 250.** (Kausler, cclix). Regarding the testimony of two fief-holders who apprehend someone in the act of committing murder.

**Article 251.** (Kausler, cclx). Regarding one who has sustained many wounds, and what should happen when he summons the assailants to court.

**Article 252.** (Kausler, cclxi). Regarding one entitled to undergo a judicial ordeal, and the rights of the court regarding this matter.<sup>131</sup>

**Article 253.** (Kausler, cclxii). Regarding one who questions the verdict of the court.<sup>132</sup>

**Article 254.** (Kausler, cclxiii). Regarding one who has suffered assault and battery, and the compensation he should get from his assailant.<sup>133</sup>

**Article 255.** (Kausler, cclxiv). Regarding a free man who beats a slave.

**Article 256.** (Kausler, cclxv). Regarding minors summoned to court.

**Article 257.** (Kausler, cclxvi). Regarding a judicial champion accused of murder, and regarding his accuser.<sup>134</sup>

**Article 258.** (Kausler, cclxvii). Regarding a man or a woman found murdered, who has no relatives.<sup>135</sup>

**Article 259.** (Kausler, cclxviii). Regarding the oath the judicial champion has to take in the presence of the viscount.<sup>136</sup>

**Article 260.** (Kausler, cclxix). Regarding the Syrians, the Greeks and the Muslims who are not entitled to challenge a Latin Christian to single combat.

**Article 261.** (Kausler, cclxx<sup>137</sup>-cclxxi). Regarding male homosexuals and women who should be sentenced to a painful death.

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130. Kausler, I, 31, cclviii has 'Here you shall hear the law regarding a man who assaults another to beat or to kill him, when the person assaulted defends himself so well that he kills or maims the person who first assaulted him, and what law should be applied to him'.

131. Kausler, I, 31, cclxi has 'Here the law is stated regarding one undergoing a judicial ordeal, and when the court is lawfully obliged not to have him undergo this ordeal'.

132. Kausler, I, 31, cclxii *add.* 'regarding what the assessors have decreed, and how much he must give to justice by law'.

133. Kausler, I, 31, cclxiii has 'Here you shall hear the law regarding one who has been assaulted, and what he or she who has assaulted him or has had him assaulted by other persons as well as by himself must give to justice, or to the beaten man or woman'.

134. Kausler, I, 32, cclxvi *add.* 'and what the ruler is obliged to give to them as judicial champions by law'.

135. Kausler, I, 32, cclxvii *add.* 'to demand the death of the person killing them, and who is then obliged to demand his death'.

136. Kausler, I, 32, cclxviii has 'Here you shall hear the law regarding two champions and what they must do after they have arrived in the field, before they are allowed to come together to fight'.

137. Kausler, I, 328-329, cclxx is a Latin passage not translated or mentioned in the Greek text.

**Article 262.** (Kausler, cclxxii). Regarding one who has sustained a mortal wound and has recourse to the court.<sup>138</sup>

**Article 263.** (Kausler, cclxxiii). Regarding one who has been beaten up and has recourse to the court.<sup>139</sup>

**Article 264.** (Kausler, cclxxiv). Regarding a wounded person who subsequently agrees to accept compensation.<sup>140</sup>

**Article 265.** (Kausler, cclxxv). Regarding an assessor summoned in the interests of some female or male orphan, and who does not wish to go.<sup>141</sup>

**Article 266.** (Kausler, cclxxvi). Regarding one who finds treasure beneath the ground.<sup>142</sup>

**Article 267.** (Kausler, cclxxvii). Regarding one who commits arson.<sup>143</sup>

**Article 268.** (Kausler, cclxxviii). Regarding a man or woman burying a corpse, male or female, within their home.

**Article 269.** (Kausler, cclxxix). Regarding those who come across a dead man in the street.<sup>144</sup>

**Article 270.** (Kausler, cclxxx). Once more regarding the above matter.<sup>145</sup>

**Article 271.** (Kausler, cclxxxi). Regarding one who accosts his wife with another man.<sup>146</sup>

**Article 272.** (Kausler, cclxxxii). Regarding a woman who accuses a man of having had unnatural intercourse with her.<sup>147</sup>

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138. Kausler, I, 33, cclxxii *add.* 'and the person whom he accuses of inflicting the wound and whom he has accused, when it then comes about that the plaintiff dies of the wound, and what law should be applied'.

139. Kausler, I, 33, cclxxiii *add.* 'who secures a day for both him and his assailant, and neither of them then appear on the day, who must pay the court for not having turned up on the day on which they were summoned'.

140. Kausler, I, 33, cclxxiv *add.* 'from the person wounding him and then dies of the wound, and what law must be applied to the person wounding him and who reached agreement with him before he died'.

141. Kausler, I, 33, cclxxv has 'Here you shall hear the law regarding an assessor who does not wish to give counsel to those men and women to whom he is obliged by law to give counsel, even against their father and their mother and against all others, by law'.

142. Kausler, I, 33, cclxxvii *add.* 'which another who is dead had hidden, and to whom the treasure should belong, whether to the ruler of the country or to the person finding the treasure'.

143. Kausler, I, 33, cclxxvii *add.* 'and causes damage, what penalty he should have for committing such a misdeed'.

144. Kausler, I, 34, cclxxix *add.* 'and another still living, after which they go to court, and what law should be applied'.

145. Kausler, I, 34, cclxxx has 'Here you shall hear what law should be applied if it happens that a claim comes to court over the fact that many people found a man dead in the street'.

146. Kausler, I, 34, cclxxxi *add.* 'and he kills both of them, that is his wife and her lover'.

147. Kausler, I, 34, cclxxxii *add.* 'and in which court the accusation should be brought'.

**Article 273.** (Kausler, cclxxxiii). Regarding a scribe who draws up an unlawful privilege.<sup>148</sup>

**Article 274.** (Kausler, cclxxxiv). Regarding the scribes of the Muslims who frequent the marketplace.<sup>149</sup>

**Article 275.** (Kausler, cclxxxv). Regarding the goldsmith who makes unlawful seals.<sup>150</sup>

**Article 276.** (Kausler, cclxxxvi). Regarding the dues payable to the ruler throughout his realm.<sup>151</sup>

**Article 277.** (Kausler, cclxxxvii). Regarding one pressing charges with witnesses.<sup>152</sup>

**Article 278.** (Kausler, cclxxxviii). Regarding one who beats another person.

**Article 279.** (Kausler, cclxxxix). What a Syrian who beats a Latin must pay.

**Article 280.** (Kausler, ccxc). Regarding a wife who beats her husband.

**Article 281.** (Kausler, ccxci). Regarding a thief and his first theft.

**Article 282.** (Kausler, ccxcii). Regarding a branded thief.

**Article 283.** (Kausler, ccxciii). Regarding proclamations and those violating them.

**Article 284.** (Kausler, ccxciv). Regarding unjust units of measurement.<sup>153</sup>

**Article 285.** (Kausler, ccxcv). Regarding one who sells his house.<sup>154</sup>

**Article 286.** (Kausler, ccxcvi). Regarding the sweeping of narrow streets.

**Article 287.** (Kausler, ccxcvii). Regarding a breach of faith.<sup>155</sup>

**Article 288.** (Kausler, ccxxxvi). Regarding dues payable in the court of the marketplace.<sup>156</sup>

**Article 289.** (Kausler, ccxxxvi). Regarding a Greek summoning a Jew to court.

**Article 290.** (Kausler, ccxxxvi). Regarding the witnesses required by (members of) other religious groups.

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148. Kausler, I, 34, cclxxxiii *add.* 'or notarial charter, and who is apprehended through recognition of his own false letter'.

149. Kausler, I, 34, cclxxiv *add.* 'and in the marine court and elsewhere, should they commit fraud over the dues and rights of their ruler'.

150. Kausler, I, 34, cclxxxv *add.* 'or counterfeit coins, what should be done to them'.

151. Kausler, I, 35, cclxxxi *add.* 'from misdeeds committed'.

152. Kausler, I, 35, cclxxxvii *add.* 'and what he must pay when he wins his case'.

153. Kausler, I, 35, cclxciv *add.* 'or price'.

154. Kausler, I, 35, cclxcv *add.* 'and what he must give the court'.

155. Kausler, I, 35, cclxcvii *add.* 'for which the court should not receive anything'.

156. Kausler, I, 27, ccxxxvi includes Articles 288-296 in the Greek text.

**Article 291.** (Kausler, ccxxxvi). Regarding the oath they (members of the various religious groups) should take in the court of the marketplace.

**Article 292.** (Kausler, ccxxxvi). Regarding the oaths members of all other religious groups are entitled to take.

**Article 293.** (Kausler, ccxxxvi). Regarding all manner of testimonies which can be brought before the (court of) the marketplace.

**Article 294.** (Kausler, ccxxxvi). Regarding the oath of the assessors at the (court of the) marketplace.

**Article 295.** (Kausler, ccxxxvii). Regarding all things coming in by sea.

**Article 296.** (Kausler, ccxxxvii). Regarding all things brought over by sea.

**Article 297.** (Kausler, ccxxxviii). Regarding what was ordained by the late kings together with the knights and burgesses and communes, in the country of Acre, in which dwell Greeks, Syrians, Egyptians, Jacobites, Nestorians and Armenians, and all other nationalities.

The end of this book, in the month of February, on the eleventh day, the year of Our Lord being 1512.

**We begin writing this book in the name of Jesus Christ Our Lord**

This law was inaugurated with judgement and fairness in Jerusalem under Sir Godfrey of Bouillon, count and commander of the fleet and armed force that captured Syria, that is to say Antioch and the lands reaching as far as Jerusalem.

Listen to the book of the court of the *bourgeois* from beginning to end, compiled by Godfrey of Bouillon and placed in Jerusalem in order to be kept there for judicial purposes.

At the beginning is an explanation of what kind of man is entitled to be viscount, and similarly what calibre of men can be appointed assessors of the said court, and what kind of men are not so entitled, in order to protect and judge all men and women who might appear before them. And then the issues are expounded.

- a) Regarding thefts and murders.
- b) Regarding purchases and sales.
- c) Regarding debts.
- d) Regarding houses and fields.
- e) Regarding vines<sup>157</sup> and all other things.

**Article 1 (Kausler, I, i). Regarding Judgement and Justice.**

In the beginning of the present book it is proper to expound everything beforehand and to ask for judgement in order to give each person his due. For what is put down in writing in a given manner should be secure in faith and judgement, and what is secure in faith and judgement will not perish, but will endure. For the law of the Holy Scriptures states that he who is righteous in the faith will live.<sup>158</sup> Judgement, however, must be eternal, for as David says, the judgement of the Lord endures for all time.<sup>159</sup> Therefore in faith and justice we can give each person his due.

**Article 2 (Kausler, I, ii). Listen here what kind of person the ruler of the land should be, and what personal qualities he should have in order to administer justice.**

If one wishes to seek justice, and to pass judgement and administer justice over others in all matters, then he should fear and love God, for none can fear and love God if they do not have faith in him. Therefore he who has faith in Him will also, as the law of the Holy Scriptures states, liken his judgement to that of a man of faith, and will always work to accomplish good. Therefore should one wish to pass judgement on another he should always have upon him the fear of God and the love of God, and only then should he seek the truth and pass judgement on another, and he should be just and well versed (in the law) when he wishes to judge some transgression. For he

157. Kausler, I, 43, i *add.* 'and regarding knights and sergeants'.

158. Romans 1.17.

159. Psalms 110. 3; Psalms 111. 3 and 9.



who takes it upon himself to bring to a just conclusion the case and issue of every man and woman shoulders and takes upon himself a great responsibility, for he must examine his life and habits, and should bring to agreement and convergence everything of rightful import. And finally he should know well that he will be judged as he judges others, for the Holy Gospels state 'As you judge, so will you be judged'.<sup>160</sup>

**Article 3 (Kausler, I, iii). Regarding the kind of person the viscount<sup>161</sup> should be, who was appointed in the city to satisfy all appearing before him with court summonses, and how he should acquit himself properly in royal matters.**

The viscount of the city who is entrusted with the responsibility of supervising the people, should firstly be a man of faith and rectitude and judgement, and should safeguard and have safeguarded [the rights of] all men and women who appear before him. And should he also be a lord of the land, he should then always live according to the law and justly. For as Anthony and Romanus the kings of Rome once said, even if we are free despite the law, we must live according to the law.<sup>162</sup> And the viscount of Nicosia should act in this fashion for his good name and for the salvation of his soul, so that his reputation might spread everywhere as an example encouraging good deeds, and among all those who are subject to him.

**Article 4 (Kausler, I, iv). What kind of person should be appointed viscount and how he should be, and by what counsel, as well as how he should administer justice, and how he should require the court to dispense justice.**

The ruler of the land with the consent of the good people of the same land should appoint as *bailli* of the country a kind of man who loves God and is true to him and fair-minded, so that he can pronounce judgement and administer justice to all appearing before him with summonses. And the viscount, on being seated on his chair in the court, is duty-bound to hear with love and benevolence the accusations of the plaintiff and the response forwarded by the defendant in his defence. Then the viscount should appoint assessors to pronounce judgement regarding the plaintiff and the defendant, according to what they heard, and when judgement is to be given, the viscount should pronounce what is right, that is the verdict, as is right and fitting. Then the viscount should collect the dues of his lord from the person sentenced in the course of judgement.

**Article 5 (Kausler, I, v). Regarding the obligations of the *bailli*, when his assistance can be invoked, and what he should be fined when he acts contrary to justice.**

A *bailli* is not entitled to deprive a person whom he hates of his rights, however much he hates him, nor of his share in instances where he has been assigned a share of

160. Matthew 7. 1-2.

161. See P. Edbury *The Kingdom of Cyprus and the Crusades, 1191-1374* (Cambridge, 1991), pp. 191 and 193-194 for the functions of this office.

162. Kausler, I, 46, iii has *quamvis legibus vivere volumus* from Justinian's Institutes, §8, II, 17.

something, nor can he punish him to excess. And if he has done so and it is known, because he was either seen or because the assessors reported it, he should be dishonoured and exiled from the city and from the realm, and what he owns should by law devolve upon the lord of the country.

**Article 6 (Kausler, I, vi). The manner in which the viscount should put an end to bad practices, and revive good ones, according to his beliefs, and how assessors should not tolerate evildoing.<sup>163</sup>**

The *bailli* should not introduce bad practices into the country, and if he has done so, or is doing so, the assessors must not support him, but should inform the lord of the country. The lord should and is obliged to deprive him of his office, and if he is not a fief-holder should have him expelled from the city within eight days. For the viscount in accordance with his oath is obliged to uphold and maintain good practices, and to put an end to and eliminate bad practices, for the love of God, the good of the country, and the salvation of his soul.

**Article 7 (Kausler, I, vii). What kind of persons the assessors should be, why they were appointed to judge the people with truth and justice, in accordance with their oath.<sup>164</sup>**

The assessors must be righteous persons, loving God and justice, and must dispense justice to all persons without guile. As the law states, let them be friends of truth, for all the responsibility shall rest upon the souls of those who judge if they do not speak the truth, so they are obliged to speak and to bestow good counsel, the best they know, and to examine all persons and all matters regarding which their advice is sought.

**Article 8 (Kausler, I, viii). Regarding what assessors should do and what they should not do, on pain of being dissociated from the other assessors, and how they must steer a straight course.<sup>165</sup>**

Assessors are not entitled to be advocates in the course of any summons, that is to be both advocates and assessors, and should one do so he is to be removed from the association of the other assessors, and lose the right to conduct hearings in court, for the law stipulates and ordains that in no circumstances can one be an advocate and an assessor.

**Article 9 (Kausler, I, ix). How assessors are obliged to hear the summons and the response of the person summoned, to recognise and to dispense justice where it is due according to their conscience.<sup>166</sup>**

The assessors in court must hear and listen carefully to the summons and to the responses, to understand them well, and on the basis of what they have heard and

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163. Kausler, I, 48, vi *om.* 'and how ... evildoing'.

164. Kausler, I, 48, vii *om.* 'to judge ... their oath'.

165. Kausler, I, 49, viii *om.* 'and how ... course'.

166. Kausler, I, 49, ix has 'Here the law is stated regarding assessors and what they must do once seated in court, and how they must not deviate from the straight path'.

learnt should dispense justice and judgement in accordance with what they know, without ceasing to follow the path of truth and justice, for the law requires assessors to be so disposed, and they must turn neither right nor left, but must judge with equal fairness great and small, and the poor and destitute just like the rich and titled, and all doing this are beloved of God, for they confer a sound and acceptable judgement, as required by law and the composition of the assizes.

**Article 10 (Kausler, I, x). How assessors, on taking their seat (in court) are not allowed to confer upon or solicit advice from any party, nor reveal the secrets of the court to anyone.**

Assessors should not and cannot protect, nor advise any person, man or woman, once they have taken their seat in court, nor can they declare or make public the mysteries of the court to any person in the world.<sup>167</sup> Should one do so, he must be deprived of the honour that he possesses, and must be banished from the country for a year and a day.

**Article 11 (Kausler, I, xi). The authority assessors have and how they can act in out of court cases involving persons in dispute.**

If so wishing, assessors have the authority of resolving disputes among their neighbours who are in dispute, or among others before the one summons the other to court, and in such cases they must be simply advisers, and they should always have regard to and uphold the rights of their lord as best they can. The assessors can well bring two persons together before a judgement is issued, but once it is issued they can no longer bring them together because they then know well which of the two has the victory, of the plaintiff, or of the defendant. And the assessors should know well that the plaintiff is *actor*, and the defendant *reus*.

**Article 12 (Kausler, I, xii). What should be done to assessors appointed to counsel and assist widows and orphans and all those seeking their advice, and what they should suffer if they do not wish to give them counsel.**

Should there happen to be an orphan, male or female, or a child under the legal age of majority, or a widow asking by name, or summoning by request two assessors of the court to their assistance, the law decrees that they are obliged to offer assistance and advice in good faith and to the best of their knowledge. Should it happen that one of the assessors summoned by name to the assistance of the above mentioned declares, in the hearing of the other assessors, that he does not wish to go to the assistance of the person summoning him, the law states that this assessor is firstly to be debarred from association with the other assessors, and he is to lose the right of appearing before the court for the remainder of his days, and to remain in this state inasmuch as he is never to be listened to, nor will his statements be believed. And he will be obliged to pay the lord the same fine as is payable by an infidel, since he has clearly shown to universal recognition that he harbours faithlessness within himself,

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167. Kausler, I, 50, x *add.* 'not even his father'.

since he was obliged to advise and speak the truth to the person to whom he was duty-bound to counsel. And he knows well that there is not one of the twelve assessors who is not bound in accordance with their oath to advise every person summoning them, even against their own mother and father. This indeed is right and good, and the reason for which they were appointed to dispense justice, and to give and speak fair advice to all who might summon them.

**Article 13 (Kausler, I, xiii). Regarding the sacred ordinances. This passage states the law regarding the rights of the holy church, and that no layman should have nor possess any such rights at his disposal, according to the law and the assizes.<sup>168</sup>**

It has been decreed through the holy synods, through the exercise of great probity and the application of good practices that the holy churches, from which we receive the divine mysteries and the church services, should be honoured by way of numerous privileges, that is (sealed) charters, and with many benefits, otherwise called advantages. Under no circumstances should their benefices, their goods that is, be deficient or wanting, nor can they be alienated or misappropriated.

**Article 14 (Kausler, I, xiv). This is written in Latin.<sup>169</sup> With regard to this law the royal, this being the secular, court declares that the assessors are obliged to assist the holy church in her summons, to judge them and to bring them to completion.**

Through the holy and honourable ordinances and the good practices it has been rightly drawn up, that the holy churches, from which all Christians receive the mysteries of the faith, should be well attended to, and should keep firm all their (sealed) charters, that is their privileges, so that they and their rights and holdings might never suffer any impediment, or loss in value, so that the bishops, archbishops, archdeacons, treasurers and deacons, who maintain the holy churches of God, might have means of support, and live from its benefices. And towards all things pertaining to the church due benevolence along with great respect and charity should be shown. And should some dispute arise leading to a court summons, it should be judged in the presence of the legates, that is the procurators of the holy church. Neither the *bailli*, moreover, nor the assessors of the court should impede proceedings, but are obliged to provide assistance and advice in the course of their proceedings, and if opportune must conclude them.

If the summons is common to ecclesiastical and secular courts, as when a deacon transgresses and has to be tried before the royal court, or if a layman commits some wrongdoing against the holy church, or some other matter similar to the above, the law and the assizes decree that the church should not have to seek justice outside its own jurisdiction. This means that no summons should be brought to a conclusion before the king's court unless the legates of the holy church of God so decide of their

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<sup>168</sup>. Kausler, I, 52-53, xiii gives the corresponding passage following the heading in Latin.

<sup>169</sup>. Refers to the preceding passage as given in Kausler, I, 52-53, xiii. See note 168.



own free will, for it is right for the *bailli* and the judges to go to the holy church where in conjunction with the legates they can judge the issue in accordance with what they perceive and hear. This is just, for the Lord Jesus decreed that things belonging to Caesar should be given unto Caesar and things belonging to God unto God.<sup>170</sup> Therefore it is truly just for those things pertaining to the holy church to be assigned to the holy church and for those things pertaining to the royal court to be assigned to the royal court, this being what is just according to the law and the assizes.

**Article 15 (Kausler, I, xv). This article explains all the procedure prior to judgment, which kind of person is entitled to summon another person to court, and which kind of persons is not so entitled.**

A son subject to his father and under his authority according to the law and the assizes, cannot summon his father to court, or his mother, or anyone else, if he does not reach the age of majority, for a summons cannot be issued under two names, given that the one party is under the authority of the other.<sup>171</sup> But once a son so subject attains his majority, this taking place once he has reached fifteen years of age, then he is well able to summon to court all persons, to seek his due and to defend himself before any person who might summon him, this being what is just according to the law and the assizes.

**Article 16 (Kausler, I, xvi). This article states the penalties to which slaves, male or female, are subject to, in instances where they summon their masters to court.**

Similarly a former slave, that is a slave of Muslim or some other origin who was baptised, neither can nor should summon his master to court regarding the cases outlined above of sons subject to and under the authority of their father. And should a former slave summon his master to court, or his mistress, or their children, then the court should not listen to him, but should have him confined, and force him to pay the court where he had placed the summons a fine of 50 gold pieces. Should he not have this money, his tongue should then be cut off. This summons is considered a crime on account of the slave having summoned his master, or his mistress, or their children, and should be tried by the court in accordance with the law and the assizes.

**Article 17 (Kausler, I, xvii). This article states which kinds of person can issue summonses in court on behalf of others.<sup>172</sup>**

There are many people who cannot issue (court) summonses on behalf of others, such as sons subject to another authority who are under-age, and likewise people who can-

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170. Matthew, Chap. 22, verse 21.

171. Paternal authority over children is emphasized in Roman Law. See *Justinian's Institutes*, transl. by P. Birks and G. McLeod (London, 1987, 2nd ed. 1994), 1.9.

172. Kausler, I, 56, xvii *add.* 'and which kind cannot'.

not see.<sup>173</sup> Such people cannot rightfully issue court summons neither on their own account, nor on that of others, according to the law and the assizes.

**Article 18 (Kausler, I, xviii). Regarding persons who are unable to issue court summonses on the behalf of others, but can summon another to court on their own account.**

There are other persons who cannot issue summonses to court on another's behalf and must not be given a hearing on their behalf, but can do the above on their own account, such as a man who has lost his sight, or a married woman without her husband. Yet a woman is well able to issue a court summons on her father's behalf (if he is sick, according to the law and the assizes.

**Article 19 (Kausler, I, xix). Here is explained the procedure to be followed by one entitled to issue a court summons on his own behalf and on behalf of another.**

Similarly the following parties are unable to issue court summonses except on their own account, and on no-one else's behalf.<sup>174</sup> Such are one who has been proven guilty [of theft], that is one who has been witnessed in the act of committing theft, or robbery, or one who gives a bribe in order not to be summoned to court for his evil-doing, and has done so on account of having a guilty conscience, having known well that he would have been convicted, had he been successfully brought to court regarding the matter. Such people can issue court summonses only on their own account and that of their children, and for none other, in accordance with justice and the law and the assizes.

**Article 20 (Kausler, I, xx). Here are given the reasons for which a knight can once again be heard,<sup>175</sup> and those for which he should not be heard.<sup>176</sup>**

Likewise an advocate, this being a lawyer or the so-called speaker (before the court), if he wishes to be a procurator in court regarding someone's case, must according to the law convince the court prior to being granted a hearing that he intends to speak on the orders of the person issuing the summons. And if the court does not believe that he is doing so on the orders of the person issuing the summons, then the court should not rightly grant him a hearing, neither according to the assizes, nor according to the law.

**Article 21 (Kausler, I, xxi-xxiii). Here are stated the rights of one who is a minor, and of one who has lost what is his, according to the assizes, and the issues over which they can forward claims in court.<sup>177</sup>**

Likewise a son under authority, and a minor cannot be a lawyer, that is an advocate, on account of not being of age, and for the reasons mentioned above. For the law

173. Kausler, I, 56, xvii *add.* 'and serfs'.

174. Kausler, I, 57, xix has 'on their own account or for certain other persons'.

175. The Greek text wrongly has *κρίθῃ* (= judged) instead of 'heard'.

176. Kausler, I, 58, xx has 'Here is stated the manner in which an advocate should be heard in court, and in no other manner'.

177. Kausler, I, 58, xxi *om.* 'and the issues ... summonses'.



decrees that a person needing the assistance and advice of another person, who is therefore like the son who happens to be under-age, is not entitled to conduct the affairs of another person in court following a summons. This also applies to prodigal persons, these being persons who have ruined their property and affairs, for how can they attend to the affairs of another? For the law states that one who has brought his own affairs to ruin cannot be the procurator of another in court, since he does not know how to look after his own affairs.<sup>178</sup> Likewise you can hear which matters can be brought before the court and which cannot. Among the issues regarding which people can have recourse to the courts, according to the law and the assizes, these can be over money, over gold and silver, or over various textiles, as well as over the materials which can be made into textiles, such things forming moveable property. And as regards land, fields, and villages, or issues which can be regarded as criminal, such as murder, theft, seizure, (unpaid) debts, or even donations, purchases, and sales, these issues should indeed be judged by the assessors before the courts, and be granted a hearing, for over any of these issues a summons before the royal court can well and indeed should be issued, according to justice and according to the assizes.

**Article 22 (Kausler, I, xxiv). Regarding those things over which court summonses should not be issued and those over which they can be issued.**

These matters are among those over which people should not have recourse to the courts, and if they do have such recourse they should not be listened to, nor granted a hearing. These issues are as when two persons quarrel and issue summonses against each other over the magnitude of the sky, or over that of the earth, or the depth of the sea. Regarding those things however over which they should be summoned to court and through the agency of the assizes, as have been mentioned above, a person can state his case forthwith and should well be granted a hearing in the court, or in all the courts, or throughout the kingdom of Jerusalem.

**Article 23 (Kausler, I, xxv). Since the way in which affairs should be conducted, that is the assessors and how they should act, how the viscount should be given satisfaction, what kind of people the lawyers should be, what kind of people those issuing court summonses on behalf of a third party should be, and what kind persons cannot do so, have been expounded and interpreted, we now wish to begin with the judgements, and firstly to discuss those concerning the king.**

All those now present and future generations should well know that if one issues a summons before the royal court, or before an ecclesiastical court, he must have the right and legal entitlement to summon the other party, whether it be a man or a woman.

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178. The remainder of this passage is given in Kausler, I, 59-60 under the chapter headings of xxii and xxiii, but the Greek text omits the Latin passages in those chapters, other than the passage on criminal offences.

**Article 24 (Kausler, I, xxvi). Here are stated the nature of the king's powers over his subjects, his obligations towards his subjects, and the subjects' obligations towards the king and regarding the king's oath.<sup>179</sup>**

Should it happen that a man or a woman, such as a knight or a burgess, is judged by the court in a certain manner, and either the king or the queen or the person ruling the country does not allow the judgement to be implemented, even though the person was so judged according to justice, then he acts unjustly and goes contrary to justice, contrary to God and contrary to his oath, and by his own actions becomes faithless. Indeed he cannot lawfully act in this manner, for the king swears<sup>180</sup> first of all to buttress the holy precepts of God, the donations of the former kings, his predecessors,<sup>181</sup> and then to buttress the good usages and good customs of the kingdom, and finally to buttress and to examine with justice and forthrightness every person according to his authority and power, and so treat the poor like the rich and the exalted like the humble. Then he should maintain his own people, the fief-holders with justice against all, according to the customs of the court he holds with the fief-holders. And should it happen that on some pretext he then violates his oaths, he firstly commits an injustice, because he denies God and wreaks destruction inasmuch as he breaks his oath, and neither his own men nor the people should tolerate this. For the lord or the lady are not laws unto themselves, but fair-minded administrators, and the lord's commands are implemented by those of his men who also collect his incomes, these being his rents from all places, and his dues. Know well that he does not have the authority to act unjustly, and if he has done so, no person under him need act justly, or speak justly, given that the lord on his own initiative is acting unjustly.

**Article 25 (Kausler, I, xxvii). Here will be explained the matters concerning sellers and buyers, which sale must be valid and which sale is not valid.<sup>182</sup>**

If a person sells something belonging to him to another person, and should he perhaps receive a security from the sale, it being simply said that they reached agreement, should it then happen that the seller changes his mind, he should double his security in relation to the buyer,<sup>183</sup> should he not perhaps wish to do him an additional kindness. And if the person buying the article changes his mind over the purchase he has made, then he should lose his securities without further liability, and following this should be absolved, that is acquitted, should it have happened that he did not want to return the securities voluntarily, and they had no other agreements between themselves.

179. Kausler, I, xxvi *om.* 'and regarding the king's oath'.

180. The Greek text wrongly has *ἐν* (=to be), 'iure' (=to swear) being the right verb. See Kausler, I, 62 xxvi.

181. Kausler, I, 62, xxvi 'to buttress ... predecessors'.

182. Kausler, I, xxvii *add.* 'neither by law nor by the assizes'.

183. This means that the buyer will get back twice the security he had initially pledged. See *Justinian's Institutes*, 3.23 for a comparison with Roman law.

**Article 26 (Kausler, I, xxviii). This article concerns the seller and the buyer where [the seller] receives part of the buyer's payment as security.**

If two persons, the seller and the buyer, come to an agreement to effect a transaction, and the seller sells what is his and receives from the buyer part of what is due from the buyer, or even simply a copper coin (*cartzia*)<sup>184</sup> as payment, the seller can no longer change his mind about the sale, that is if the buyer is unwilling to agree. Indeed he is obliged by rights and by the assizes to forfeit the article that he had sold, while the buyer is obliged to pay the balance of the sale price, so long as no other agreement existed between them.

**Article 27 (Kausler, I, xxix). What the law states regarding the trader who is in possession of an article, whatever it might be, which he has bought, and then he changes his mind.**<sup>185</sup>

If a person sold something belonging to him and the person who bought it did so in his own name and took possession of the article he had bought, and it happens that the seller desires to change his mind and take back what was his, the law and equity decree that he cannot take the article back from the person who has bought it and has it in his possession if the latter does not wish to return it of his own free will. And should it occur that the person who bought the article subsequently wishes to change his mind regarding the sale and relinquish the article, he cannot do so if the person who had sold it does not wish to acquiesce and be content, but has to pay him whatever they had agreed for the article in his possession.

**Article 28 (Kausler, I, xxx). Regarding a person disposed to sell another person's inheritance, and what portion the deceased's relatives should receive by right.**

Should a person wish to sell his residence,<sup>186</sup> and it so happens that one of his relatives wishes to buy it and is willing to give him as much as another unrelated person has given him, justice decrees that this relative should have the right of pre-emption over the residence before any other person. And on account of being a relative of the person selling his residence he has this right, to take the residence through forwarding a claim, the so-called challenge, in preference to a neighbour or some other male or female relative who have acquired it before this male or female claimant for as much money as they had offered, within seven days of the date of the sale. But let it be known well that once the deadline of seven days has passed no person can take it away from the person who has bought it, according to justice and the assizes.

184. A coin introduced under King James I of Cyprus in the late fourteenth century. See D.M. Metcalf, *The Gros, Sixains and Cartzias of Cyprus 1382-1489* (Nicosia, 2000), pp. 133-147.

185. Kausler, I, 64, xxix has '... and then wishes to change his mind over that which is in his possession'.

186. Kausler, I, 65, xxx has 'inheritance' instead of 'residence'.

**Article 29 (Kausler, I, xxxi).** Regarding a person who buys a residence<sup>187</sup> and keeps it for a year and a day without being challenged, and what a person should pay when he sells a rentable residence of his to the king, what [the person buying it] should pay.

Should a person buy an inheritance from another man or woman, and if it so happens that he has held it for a year and a day without being challenged, justice and equity and the Assizes of Jerusalem decree, that no man or woman who is of legal age can take it from him. But should there be some man or woman who are not of legal age,<sup>188</sup> then the law decrees that he nor she who are under the legal age cannot lose their rights, neither because the property had been held for a year and a day, the so-called tenure, during which the buyers possessed and lived in the residence, nor because a year and a day had passed without the minor demanding his rights. And it has been written in the assizes that if someone sells a residence, should the residence be on crown land<sup>189</sup> and pay crown rent, the seller must pay the court one silver mark over the sale, while the buyer must pay three and a half bezants, that is to say 36 (?), for taking possession. But where it happens that the house is unencumbered, which is to say no rent is payable to the king but to some other person, justice decrees that nothing should be payable for the sale of the inheritance other than three and a half bezants by the buyer, and nothing else besides, and he is thereafter absolved according to the assizes.

**Article 30 (Kausler, I, xxxii).** Regarding one who receives a house or residence as security for something he might give, and if it is rentable to whom the rent belongs, as well as whether, if the person holding the house as security resides there, he should pay rent to the owner of the house.

Should it happen that a man or woman take a house as security from another man or woman for 20 or 100 or 1000 bezants, for a fixed period of time stated before the court, or in the presence of the viscount and two assessors, and the lender is within the house which he holds from the person he has lent the bezants to, these being mentioned above along with the period of repayment, and should the borrower not wish nor be able to repay him at the end of the time limit, and that of a second time limit, then the person who lent his money should appear before the court and explain the whole affair to the viscount and the assessors. The viscount and the assessors are obliged by law to order the official town crier to proclaim for two days the house encumbered by debt for auction. Afterwards the town crier should proclaim the house for auction a third time at court while the court is in session, and whoever bids the most shall have it, if the person who placed it as security does not absolve it. And if

187. See preceding note. See also J. Prawer, 'Burgage-tenure', in *Crusading Institutions* (Oxford, 1980, repr. 1988), pp. 259-262.

188. 'But should ... legal age' is taken from Kausler, I, 66, xxxi, as the corresponding Greek text is corrupt.

189. The crown lands were the former imperial lands (βασιλική γη) belonging to the Byzantine emperors prior to the Latin conquest of 1191. See J. Prawer, 'Palestinian Agriculture and the Crusader Rural System', in *Crusader Institutions* (Oxford, 1980, repr. 1998), pp. 165-166.

it is sold for less than the sum owed, he or she who pledged it as security is obliged by law over and above what he has received to pay the balance in order to clear the debt. If the house is sold for more than the sum owed, the court is obliged to receive the surplus and give it to the person, male or female, to whom the house, land or field used to belong. And if the person possessing the house by way of security rented it, and received the rent, it should be included in the sum to be repaid, according to justice and the assizes. If, moreover, he dwelt and resided in the house, the rental value of the house, as though it had been rented to another, should be written off the debt.

**Article 31 (Kausler, I, xxxiii). Regarding one who sells an unbroken horse, and regarding the person buying it.**

If a person buys an animal from another person, and this animal is not broken in, the person buying it having kept it at home for a year and a day, then he can no longer return it to the person he bought it from, if the latter does not want it, because he has held it for a year and a day. But should it happen that the person buying the animal requested of the person who had sold it to him, within a year and a day of buying it, to take back his animal because it was unbroken, and to return to him as much money as he had taken from him, justice decrees that the seller is obliged to take back his animal by law,<sup>190</sup> with the proviso that the buyer should swear on the Holy Gospels that the animal concerned did not become intractable at his home after he had bought it, and after this he should be absolved,<sup>191</sup> according to justice and the assizes.

**Article 32 (Kausler, I, xxxiv). Here is stated the law regarding a person buying or selling a slave, male or female, who then falls seriously ill.**

Should it happen that a man or a woman sell a slave, male or female, to another man or woman, and should it then come to pass that this slave, male or female, falls seriously ill within a year and a day following the date of the sale, the buyer, male or female, can well return the slave to the person who had sold it within the year and the day, the latter being obliged<sup>192</sup> to take back the slave and return the buyer as much money as he sold the slave for. If however a year and a day have passed, the slave remains with the buyer, nor can he any longer return the slave, according to justice and the Assizes of Jerusalem.

**Article 33 (Kausler, I, xxxv). Regarding a man or woman who buys or sells a slave, male or female, who is then found to be a leper, and what law is applicable to the person selling the slave.<sup>193</sup>**

It happens on many occasions that a man or a woman buys a slave, male or female, from another man or woman, who is then found leprous within a year and a day of

190. Kausler, I, 68 xxxiii *add.* 'and return the money'.

191. The word 'absolved', not in the Greek text, is from Kausler, I, 68, xxxiii.

192. Kausler, I, 69, xxxiv *add.* 'by law'.

193. Kausler, I, 69, xxxv *om.* 'and what law ... the slave'.



the date of purchase. The law states that the he who bought the slave, male or female, can well return it to the person who had sold it to him within a year and a day, by law according to the assizes. If however a year and a day have passed, the slave remains with the buyer, and the seller is not obliged to take back the male or female slave or to return the money, according to the Assizes of Jerusalem.

**Article 34 (Kausler, I, xxxiv). Regarding a person who buys a pig or a sow that has a malady.**

If a person, whatever he happens to be, a butcher or someone else, should buy a pig or a sow, large or small,<sup>194</sup> which is then found to be sick, the buyer must return it to the seller, and the seller must return the money, by law and according to the Assizes of Jerusalem.

**Article 35 (Kausler, I, xxxvii). Regarding a town crier who sells a security without the knowledge of the person owning the security.**

If it happens that a town-crier who is accustomed to sell things and securities throughout the country sells and delivers a security or something else without the command of the male or female owner of this object, and having delivered it informs the owner, who disagrees and objects to this, and the town-crier turns to the person to whom he had delivered the article to regain possession of it, but does not find him, and tells those under his authority to tell their master that he came to reclaim the security, and it so happens that the buyer is unwilling to return it because the seller did not inform him personally, and so the issue goes to court, the court and the assessors should resolve to have the town-crier swear upon the Holy Gospels that he had come to the buyer's house but did not find him, and that he then told those under his authority that he had come to reclaim the mortgaged article with the knowledge of the original owner. In this manner he should be able to recover the security by law and according to the Assizes of the Kingdom of Jerusalem.

**Article 36 (Kausler, I, xxxviii). Regarding a man or a woman who buys and sells church property.**

If a lay man or a lay woman buys from some other man or woman articles belonging to a church or a monastery, as something sanctified and blessed, such as holy goblets, crosses, coverings, trays, shrouds, or priestly vestments such as clerical collars, gowns or undergarments, or some other blessed and sanctified garment of the priests, the law and the assizes decree that firstly all these should be returned, that is they should be turned over to the holy church of God, and the buyer should lose all he has given for them, for no Christian who has faith in the Lord should have in his lordship, nor in his balliage, nor in his house sanctified and blessed things, for the law states and decrees that it is unfitting for worldly persons to have sanctified and dedicated objects, or the sacred mysteries of the church.<sup>195</sup>

194. Kausler, I, 70, xxxvi *om.* 'large or small'.

195. See Justinian's Digest, Book 1, *pr. de divisione rerum* 1, 8, cited in Kausler, I, 72 note 1.



**Article 37 (Kausler, I, xxxix). Regarding one who sells his horse so as to be paid by a fixed time, and when the time comes the buyer cannot pay the purchase price.<sup>196</sup>**

If it happens that a person sells a horse to another person [to be paid] by a fixed time, as agreed, and when the fixed time has come and is past the buyer cannot pay, and so the seller then summons him so as to secure payment from whatever goods the buyer has, the law decrees that the buyer should then swear on the Holy Gospels that he has nothing above or below the earth by which to offer repayment, and having sworn thus the court deliver him to his creditor, to hold him in his custody in gaol and to feed him bread and water there,<sup>197</sup> and to add onto his debt whatever he spends on him. And when he no longer wishes to spend anything on him and after three days have passed, let them release him.<sup>198</sup>

**Article 38 (Kausler, I, xl). Regarding one who lends his horse or his mule to one who happens to be a guarantor of someone in debt to some person.<sup>199</sup>**

Know well that should a person lend his horse or his mule to another person, and the person who borrowed it says 'tomorrow I will return your horse to you', and so he lets him take his horse, should the person taking it be a debtor or a guarantor of someone, then the person who is his creditor or to whom he has pledged guarantees can easily take your horse to be repaid, by law and according to the assizes.

**Article 39 (Kausler, I, xli). Regarding wholesalers who show a good sample to the person they wish to sell to, and then give other than what they have shown.**

If it happens that a person, whoever he might be, whether a trader or something else, comes before a wholesaler of wheat to buy some, and that wholesaler who sells wheat shows him a sample of the wheat or of something else,<sup>200</sup> the sale taking place according to the sample exhibited, and the purchaser buying in accordance with the sample which he has seen, and closing the agreement regarding wheat or something else, but not receiving from the seller goods like the sample shown, the law most rightly decrees, that the seller should give him wheat or something else like the sample shown to the buyer when the two reached agreement. And every person is obliged to honour his agreements so long as his agreements are not contrary to the law or the assizes. And should the seller not wish to give what was agreed he should double whatever he had promised.<sup>201</sup>

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196. Kausler, I, 72, xxxix *om.* 'when the time comes'.

197. Kausler, I, 72, xxxix *add.* 'should he not wish to give him more to eat'.

198. Kausler, I, 72, xxxix *om.* the last sentence.

199. Kausler, I, 73, xl *add.* 'and how he can recover the animal by law'.

200. Kausler, I, 74, xli *add.* 'and says to him "I will sell you such corn or such goods as good as this is"'.

201. Kausler, I, 74, xli *add.* 'by law and by the assizes'.

**Article 40 (Kausler, I, xlii). Having heard the other laws, it is right to hear the laws regarding profits on loans and merchandise in transit on the high seas.<sup>202</sup>**

Now we must discuss contracts sealed in good faith, that is to say loans, but firstly we must see what kind of thing a loan given for interest, as is customary, is. It should be known that great care<sup>203</sup> is required in asking for a loan from a lender, since he is obliged to abstain from all manner of artifice and transgression, but in matters involving risk he is in no way considered liable unless there is a clear indication of guilt.

**Article 41 (Kausler, I, xliii). Here is stated what King Aimery ordained on how the law of seafarers should be, that is to say sailors, ships and boats, and all those plying their trade by sea.**

Understand well that should those persons travelling by sea have some difference of opinion, they or their sailors on account of the advent of bad weather or on some other matter regarding the ship, the law decrees that it should be judged in the Marine Court. They should not have recourse to duelling, that is trial by battle, nor for any claim regarding the journey, for recourse to trial by battle can be had in other courts of the *bourgeois*, should the summons concern a sum of one silver mark or more. And this is the purpose of the Marine Court, the so-called Court of the Chain, for the resolution of such issues, and so it was not established for cases of theft, murder, or conspiracy. For such matters should go before the other court (the *cour de bourgeois*) unless the parties had some other agreement, for all agreements not in violation of the law must be secured.

**Article 42 (Kausler, I, xliv). Regarding one who gives his livelihood, that is to say his goods, to another to be taken to an agreed destination, when the latter takes them to a place not agreed upon.<sup>204</sup>**

Should one person give another 25 bezants, or 100, to be taken across the sea, let us say for example to be taken to Cyprus, and comes to an agreement with him,<sup>205</sup> but then the latter alters the agreed destination and goes to another place,<sup>206</sup> and the ship is wrecked with the loss of the cargo or of the goods, the law decrees that he is obliged to compensate him for the goods lost at their price, since he journeyed of his own volition to a place not agreed upon. And should he have gone without mishap to

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202. For a discussion of maritime law in the Assizes see J.M. Pardessus, *Collection de lois maritimes antérieures au XVIIIe siècle*, i. Chapter VII: 'Droit maritime des pays conquis par les Croisés en Orient', pp. 261-282 and esp. pp. 272-274.

203. The Greek text omits 'care'. See Kausler I, 74, xlii.

204. Kausler, I, 75, xliv *add.* 'and the person taking them to a port other than that agreed on makes a profit or loss'.

205. Kausler, I, 75, xliv *add.* 'to give him his share of the profits'.

206. Kausler, I, 76, xliv *add.* 'that is to a place other than that in the agreement'.

another country, and profited in the course of business, then he should give him what he is obliged to give according to the law.<sup>207</sup>

**Article 43 (Kausler, I, xlv). Regarding things thrown overboard during bad weather in order to lighten the ship.**

Should a ship or boat run into danger on account of bad weather, and have a small or major part of its cargo thrown overboard, or of the sailors' clothes in order to lighten it and save their lives, the law decrees that as soon as they attain safety in a secure harbour, the value of the ship and of the lost cargo should first be calculated, and then the remainder of the cargo inside the ship, without including the clothes worn by the persons on board. And should they have silver or gold in their strongboxes, all these things must be calculated regarding price and the damages must be justly apportioned upon all. What was thrown overboard must be calculated at cost price, along with expenses and losses due to damages at sea at the place where they reached salvation. This can be the cause of injustice, in that one may have lost an article which would have fetched a good price, such as something bought for 25 bezants which could then have brought 50 bezants, whereas another may have bought something at 100 bezants which would not have fetched even 30 bezants, and when the parties come together to make an account and calculation of the losses in order to give each one his share, one might want profit on his goods which would have obtained a high price on land, while another would wish to obtain the whole value of the jettisoned goods, which indeed would be unjust. For this reason it is decreed by law and in the assizes, that the goods, both jettisoned and remaining, should be calculated only at cost price.<sup>208</sup> Once the jettisoned and surviving cargo has been calculated, according to the opinions of the merchants, the chief officer and the sailors, the law and the assizes decree that the assessors of the Marine Court should judge that by rights the lost portion is to be calculated as a percentage of every hundred bezants, so that the damages should amount to a fixed portion over and above every hundred bezants. Should the ship's captain or anyone else disagree that the damages came to the portion calculated, then the court should have the chief officer and all sailors present brought before it, and have them state the truth on oath upon the Holy Gospels. After this each one should receive compensation for the damages that befell him according to his declaration, this being right and fair according to the Assizes of Cyprus and the Kingdom of Jerusalem.

**Article 44 (Kausler, I, xlvi). Here is explained the law regarding seafarers who come to an agreement and prepare to make a journey, and having received securities then change their mind.**

If the owner of a ship, either great or small, comes to an agreement [with someone] to make a journey in such a manner that he is to receive securities, or part of the cargo

207. This passage appears to refer to the type of nautical contract known as the *commenda*, for which see Ashtor, *Levant Trade*, pp. 43, 373, 378f.

208. Here the Assizes differ from Roman and French maritime law, which decreed that such goods should be valued for purposes of compensation at their sale price. See Pardessus, 'Droit maritime des pays conquis', p. 272.

sent off with him, and the parties concerned then change their mind, the law decrees that they should make amends, that is to compensate him for his passage. If they put any work into the boat, such as keeping watch, or in loading, they must not receive anything, because they broke the agreement. And should the sailors perhaps make mistakes regarding the instructions of the owner when the ship is about to set sail, and the owner as of necessity hires the sailors of other ships at a high price, or suffers some other damage, then the law decrees that the damages incurred by the owner on their account must be properly compensated for by the sailors themselves. Likewise if the ship's owner came to an agreement with sailors and retained them for making a journey, and then changed his mind and no longer wishes to take them, whatever money he has paid them rightfully remains theirs, and if he changes the itinerary to other than what was agreed, either shorter or longer, they are not obliged to follow it if they do not wish to, according to the law and the assizes.

**Article 45 (Kausler, I, xlvii). Here is explained the case of the Christians taking prohibited materials to Muslim lands, and the judgement that should be pronounced on such persons.**

If a person, such as a sailor or a trader as the case may be, should take prohibited materials to the land of Syria, that is to the Muslims, weapons, cuirasses, metal bits for horses, iron, all manner of weapons and iron, equipment for combat, spears, head-dresses, or other weapons, witnesses, sailors, traders or porters should have him summoned and have this proven before the Marine Court, stating where they saw him, or the place where he had them loaded on board ship. And anything he brought worth more than a mark of silver should be sequestered, and belong to the lord of the land in which he is found. He should, moreover, be tried in the *cour de bourgeois*, with testimonies being examined by the assessors of Marine Court in their presence. This is right according to the Assizes of the Kingdom of Jerusalem.<sup>209</sup>

**Article 46 (Kausler, I, xlviii). Here is explained the law regarding valuables given for transportation across the sea, when pirates happen to come and take all they have, what is theirs and other things, or in cases where the ship is wrecked, and they lose whatever they have.**

If it happens that a person gives valuables in *commendam* to someone else for transportation across the sea, for obtaining profit, committing them to the perils of the sea and of evildoers, and it happens that the ship is boarded by pirates who take everything on board, or shipwreck occurs on account of bad weather, and all is lost, the law decrees that [the carrier] is blameless and should not have to give account of

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209. The prohibition on sending strategic materials to Muslim countries, originally decreed in the Third Lateran Council of 1179, was reiterated in the Fourth Lateran Council of 1215 and the Second Council of Lyons of 1274, while on Cyprus the prohibition exists in the constitution of 1251 of Archbishop Hugh of Nicosia and in the Synodal Statutes passed after 1280 by his successor, Archbishop Ranulph. See J. Richard, 'Le royaume de Chypre et l'embargo sur le commerce avec l'Egypte (fin XIIIe-début XIVe siècle)', *Croisades et Etats latins d'Orient*, XVI (Aldershot, 1992), 120-121; *The Synodicum Nicosiense and Other Documents of the Latin Church of Cyprus, 1196-1373*, ed. and transl. by C. Schabel (Nicosia, 2001), p. 137 no. 15 [b] and p. 155 no. 8.



anything to anyone. But should he have made a fair voyage, and made his journey to his destination with good fortune, and had then got involved in a fight or had killed someone while in this country, as a result of which the lord of the land impounded all he had, then the law decrees that he is obliged to compensate in full those entrusting him with their valuables. For truly it is not right that good people who entrusted him with their property should lose it on account of his folly, and since he committed wrong on his own account, he alone should suffer the consequences. And should he have taken valuables from good people for transportation without mishap to some country, he is obliged to make good the damages as though they had been lost, by law and by the assizes. And if the article is of such value that the person entrusted with it does not have the wherewithal to pay for its loss, then the Marine Court must put him in gaol for eight days and more. His creditors, male or female, should give him only basic sustenance, that is bread and water whilst he is in gaol, should they wish to give him nothing besides.

**Article 47 (Kausler, I, xlix).** Here is explained the law regarding things thrown overboard, and then found at the bottom of the sea or in the wash of the tide, what share rightfully belongs to one who has found them underwater in the deep, and what share belongs to one who has found them floating on top of the waves.

Traders and other people travelling by sea jettison part of their cargo and their belongings to the waves if they happen to run into bad weather. If it happens that some of these things are found afloat on the waves along the shoreline,<sup>210</sup> the person finding them is<sup>211</sup> entitled to one half, the other half going to their owner. But if the articles are found at the bottom of the sea, the person finding them will receive one third, for the article lying at the bottom of the sea awaits its master.<sup>212</sup> If the owner of the article is not there to receive his rightful share, then it should go to the lord of the land. And if a ship is driven upon dry land and wrecked on account of fair weather or foul, or by some other manner, or if sacred objects are found inside, it should be saved for the person to whom it belongs. And if the ship was wrecked upon a holy site, then the lord of the land is entitled to have the mainmast and a rudder from the ship thus wrecked, whether on land or at sea, for the departed soul of King Aimery bestowed this freedom throughout the kingdom of Jerusalem.

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210. Kausler, I, 81-82, xlix *add.* 'the law decrees that ...'.

211. From this point on there is a *lacuna* in Kausler for the remainder of chapter xlix, the whole of chapter l, and the first part of chapter li. See Kausler, I, 82-83.

212. The Rhodian Sea Law of the Ninth Century decreed that the salvager was entitled to between one third and one half of any gold or silver salvaged from the bottom of the sea, and to one tenth of articles salvaged along the shoreline. See H.S. Khalilieh 'Salvage in the Eleventh and Twelfth Century Mediterranean: Geniza Evidence and its Implications', *Mediterranean Historical Review*, 15 (Tel Aviv, 2000), p. 47. *Justinian's Institutes* 2.1.18 state that a person finding stones or gems on the sea-shore is entitled to them, but in 2.1.48 it is stated that anyone finding goods thrown overboard, either at the bottom of the sea or ashore commits theft if he takes them with intent to gain.

**Article 48 (Kausler, I, l). Here will be explained the accountability of one who borrows something belonging to the lender, and then wishes to return something other than the article borrowed.<sup>213</sup>**

All persons should know that one who has lent something belonging to him is not rightfully obliged to take back against his will something other than what was lent in good faith. If he lent wheat, on no account must he be given barley in return, and if he lent oil, on no account must he be given wine in return. If, moreover, he lent *gros* coins,<sup>214</sup> on no account must he be given *cartzias* in return, for the law decrees that one is obliged to return the same commodity as was originally borrowed, and I shall show you why. It frequently happens that the *gros* is valued at five *sous*, while at other times it is commonly worth ten *sous*. A *modius* of wheat is now worth one gold coin, while three *modia* of barley are needed for the same denomination. This is why the law and the assizes decree that under no circumstances can small *cartzias* be given as repayment for *gros* coins, nor barley for wheat, but whatever has been lent must rightfully be repaid in kind. In other respects the lender must in no way be pressured into accepting, against his will, as repayment something other than what he has lent, for the law decrees that the repayment must be of the same price and quality as that which was lent.<sup>215</sup>

**Article 49 (Kausler, I, li). Here is explained the law regarding one lending his property to another, who when repayment is due receives from him either more or less than what was originally lent, on account of which the matter is referred to judgement.**

If it happens that on some pretext a person summons another to court and declares that he owes him ten bezants, while the defendant responds: 'Sir, I truly owe him this, but do not want to repay him because he owes me more than what I owe, and this is why I do not wish to repay him', if the court has no cognisance of this alleged debt, the opinion of the assessors should be as follows, that the defendant is obliged to pay back the ten bezants because he was summoned to court first and, moreover, admits his indebtedness. He can subsequently have the claimant summoned to court, if indeed the claimant owes him money, and the court is obliged to dispense justice to him according to the law and the assizes.

**Article 50 (Kausler, I, lii). Title missing.<sup>216</sup>**

Should it occur that one person summons another to court over something he has given him and which the latter owes him, if the defendant denies this in the presence

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213. The Greek text translates this law from a Latin passage without alluding to its existence. The Latin passage is missing from Kausler (See Kausler, I, 82-83 and note 211) but its existence is alluded to in Codex Two of the Greek text in translation, Article 49 (Sathas, *Μεσαιωνική Βιβλιοθήκη*, VI, 300).

214. For this type of coin see Metcalf, *The Gros, Sixains and Cartzias*, pp. 31-121.

215. For a comparison with Roman law see *Justinian's Institutes*, 3.14.

216. Kausler, I, 84, lii has 'here you shall hear about the person who denies owing something and then admits to it without pressure from the witnesses, and what law should be applied to him'.



of the court and the viscount, and it subsequently comes to pass that he acknowledges his debt before the court, without coercion from the witnesses, the law decrees that he should firstly pay that which he had denied, and then be regarded as faithless, having lost his defence in court, and on this account must neither be granted a hearing, nor be believed as a witness, and he is liable to pay the court as much as a faithless man would be liable for, since he proved his faithlessness of his own accord.<sup>217</sup>

**Article 51 (Kausler, I, liii). Title missing.**<sup>218</sup>

Should it happen that a person lends what belongs to him, with two witnesses being present when the declared article was lent, and then one of the two witnesses happens to die, and yet needs two witnesses because his creditor denies having borrowed the said article, the law decrees that the living witness can provide testimony on his own account and on that of the deceased. If the issue concerns one silver mark or more, the debtor can challenge any witness he pleases to a judicial duel, and whoever loses is to be hanged, according to the law and the assizes.

**Article 52 (Kausler, liv). Title missing.**<sup>219</sup>

If it happens that one man is in debt to another, with the creditor asking for the return of what is his, and the debtor responding, 'It is true that I owe him 20 bezants, but I have given him ten bezants, and will repay the remaining ten in good time', and the creditor responds, 'God forbid that he gave me anything, for he owes me 20 bezants', the court should ask the debtor to prove this through witnesses, and if he can provide two witnesses to testify that he had indeed given ten bezants, then he should be acquitted. If the creditor so wishes, he can challenge one of the two witnesses to a judicial duel. If the debtor does not have two witnesses to testify that he had paid ten bezants, then the creditor seeking his due should swear upon the Holy Gospels that he did not receive any of the ten bezants in question, nor did anyone else receive them on his behalf, and the court should have the above-mentioned 20 bezants paid to him, according to the law and the assizes.

Similarly if one person lends another ten bezants, and the debtor denies having received them when asked to repay his debt, the law decrees that he must prove through summoning two witnesses that he lent the money, and furthermore how and in what form. If he provides witnesses who are his acquaintances, then this is to no avail, unless the acquaintance took place before both parties, that is before the debtor and the creditor. If not, then the person from whom the sum is requested, that is the defendant, should swear on the Holy Gospels that he did not borrow anything, nor

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217. Kausler, I, 84, lii *add.* 'for he denied a debt and then acknowledged it'.

218. Kausler, I, 84, liii has 'Here is stated the law regarding a person who lends his property to another before two witnesses, and one of the witnesses then dies'.

219. Kausler, I, 85, liv has 'Here is stated the law regarding a debt which one party acknowledges but not the other'

did he take anything from the creditor, and he is thereby acquitted according to the law and the assizes.

**Article 53 (Kausler, I, Iv). Here you shall hear the law regarding one who has pledged his horse as security.**

If it happens that a person pledges his horse as security to another person for a loan of 20 bezants, to be repaid within a fixed time, but does not wish to repurchase the horse when the deadline arrives, then the creditor can put the security up to public auction for two days, and on the third day can deliver it to the highest bidder with the permission of the court.<sup>220</sup> If perhaps the creditor is unable to obtain as much as he had borrowed from selling his security, then the debtor has to repay him the balance of the loan, according to the law and the assizes of the kingdom of Jerusalem. If however he received more from selling the security than the debtor owed him, then he should by law return the surplus to the owner of the security pledged, or to his relatives.

**Article 54 (Kausler, I, Ivi). Here is explained the law regarding securities which are lost.**

Should it happen that a person lending 20 bezants to another person receives as security something like a silver belt, or something else made of silver or of gold,<sup>221</sup> and it comes to pass that having received this security he loses it, or has it stolen from him, the law decrees that according to the manner in which the creditor lost it, or had it stolen from him, he should compensate the person who gave his possession by way of security for a loan, according to the law and the assizes.

**Article 55 (Kausler, I, Ivii). Regarding one who is unable to repay his debts.**

If one person has lent another 20 bezants to be repaid within a set time, and at the time when repayment is due asks the debtor to repay him the money lent, if, on receiving the reply that the debtor is unable to pay, he has recourse to the court and brings the matter up before the assessors, the law decrees and lays down, that if the debtor states that he cannot repay the debt, and has nothing above or below ground with which to repay him, the assessor then makes him declare this under oath, and then hands him over into the power of the creditor. The latter then has him gaoled as a Christian, has him fed on bread and water, and lets interest accrue on the original debt,<sup>222</sup> by law and in accordance with the assizes of the Kingdom of Jerusalem.

**Article 56 (Kausler, I, Iviii). Here is explained the law regarding debt in the cases of Latins and Syrians.**

Should a Latin have a Syrian summoned before the court on the charge that he owes him a debt, and the Syrian denies this charge, should the Latin have no supporting

<sup>220</sup>. Kausler, I, 86-87, Iv om. 'with the permission of the court'.

<sup>221</sup>. Kausler, I, 87, Ivi om. 'or of gold'.

<sup>222</sup>. Instead of 'and lets ... original debt', Kausler, I, 88, Ivii has 'and when he has recovered his bezants he should hand him over to justice'.

witnesses, the law decrees that the Syrian should swear upon the True and Life-Giving Cross that he owes him nothing, and following this the Syrian is entitled to be acquitted, according to the assizes.

**Article 56 (cont.) Regarding a Syrian summoning a Latin.**

Likewise should a Syrian have a Latin summoned to court over something he has lent him, and the Latin denies ever having borrowed the article demanded, should the Syrian have no witnesses, then the Latin should not swear an oath before the Syrian, if there is no matter of acknowledgement or review.

**Article 57 (Kausler, I, lix). Here is explained the law regarding Latins and Muslims.**

If a Muslim is summoned to court by a Latin over something which the Latin is to collect from him, and the Muslim denies this, if the Latin has no witnesses the law decrees that the Muslim should swear upon his Quran, that is upon his faith, that he owes him nothing nor has he anything belonging to him, and then he is acquitted.

Likewise if a Muslim has a Latin summoned to court over something the Latin owes him, if the Latin denies this, and the Muslim has no witnesses, the law decrees that the Latin should not take an oath before the Muslim, nor swear anything.<sup>223</sup>

**Article 58 (Kausler, I, lx). Here is explained the law regarding cases between Greeks and Latins, and the witnesses required.**

If a Latin has a Greek summoned to court, over an issue of any kind, and has no Greek witnesses with whom to prove the charges, other witnesses are not acceptable, in accordance with the law and the assizes, for no Latin can bring testimony against a Greek, nor can any Greek do the same against a Latin, according to the Assizes of the Kingdom of Jerusalem.

**Article 59 (Kausler, I, lxi). Here is explained the law regarding cases between Greeks and Armenians, and the type of witnesses required.**

Should it happen that a Greek has an Armenian summoned to court over something he has given as a loan to the Armenian, yet he has no Armenian witnesses, other witnesses are not acceptable, for a Greek cannot bear witness against an Armenian, according to the law and the assizes. Likewise if an Armenian has a Syrian summoned to court over a debt owed to him, or over something else that he had given the Syrian, and the Syrian denies this, if the Armenian has no Syrian witnesses, then other witnesses are of no use to him whatsoever, according to the law and the assizes.

**Article 60 (Kausler, I, lxiii). Here is explained the law regarding Nestorians and Jacobites.<sup>224</sup>**

If a Nestorian has a Jacobite summoned to court over any issue whatsoever, or over a debt, and the Nestorian plaintiff has no Jacobite witnesses to testify, other testi-

223. Kausler, I, 89, lix *add.* 'if there is no matter of acknowledgement'.

224. Kausler, I, 90-91, lxiii has 'Here the law is stated regarding Syrians and Nestorians', a chapter missing from the Greek text.

monies are not acceptable, nor likewise can a Nestorian testify against a Jacobite, according to the law and the assizes of Jerusalem. Likewise if a Jacobite has a Samaritan summoned to court over a debt or some other issue, and the Samaritan denies owing him anything, the law decrees that he must have Samaritan witnesses, and that witnesses of another race are of no use whatsoever, according to the law and the assizes of Jerusalem.<sup>225</sup>

**Article 61 (Kausler, I, lxiii). Here the law is explained when a Samaritan brings charges against a Muslim.<sup>226</sup>**

Should a Samaritan happen to have a Muslim summoned to court over a debt the latter owes him, or regarding anything else which he owes him, and the Muslim denies owing him anything, then he should have Muslim witnesses to vouch for him, for no other testimony is valid. For according to the assizes, there must be Muslim witnesses for Muslims, and Samaritan witnesses for Samaritans, and none other.<sup>227</sup> Likewise, if a Muslim has a Jew summoned to court over a debt that the Jew owes him, and the Jew denies this, then the Muslim must prove the charges by bringing forward two Jewish witnesses, if not, no other testimony is valid according to the assizes. Nor can a Samaritan be accused with witnesses other than Samaritans testifying against a Samaritan, with every race being accused with witnesses of the same race, and no other witnesses, neither regarding debts, nor legacies, nor any other issue that might arise, without the matter being handled by the court, for the law decrees that the witnesses must be of the same community as the person who has been summoned to court, and this is what has been decreed by law.<sup>228</sup>

**Article 62 (Kausler, I, lxiv). Here the law is explained regarding a person who has been handed over, that is summoned before the court, regarding a debt.**

Know well that if a person is summoned to court, or is locked up in gaol for a debt owed to some man or woman, should the imprisoned person be summoned yet again to court by some other man or woman over a debt owed to them, then the law decrees that should the second plaintiff, man or woman, summoning the person in custody be disposed to repay the debt of the initial plaintiff, on account of which the debtor has been placed in custody, then by doing so he can place the debtor in his own custody and keep him there until the whole sum owed, both the initial and the subsequent debt, are repaid. Likewise should it happen that a person holds a debtor in custody as a Christian, and has other debtors, to whom the debtor in custody owes money, when they assert falsely that the person holding the debtor in custody has not been paid

225. Kausler, I, 91-92, lxii *add.* 'for a Jacobite cannot offer testimony against a Samaritan'.

226. In Kausler, I, 92 this is not a separate chapter, but a continuation of the chapter (lxiii) on Nestorians and Jacobites.

227. In Kausler, I, 92, lxiii this sentence reads '... for a Samaritan cannot offer testimony against a Muslim, by the Assizes of the Kingdom of Jerusalem'.

228. In Kausler, I, 92, lxiii the final sentence reads 'for a Muslim cannot offer testimony against a Jew, nor a Jew against a Muslim, nor a Samaritan against a Jacobite, nor a Jacobite against a Syrian, neither over debts or legacies or any issues which may arise ...'.

whatever was owed him by this debtor, who does not owe him what the creditor maintains he owes him, then the law decrees that the viscount should have the person holding the debtor in custody swear upon the Gospels to state the truth to the debtor's other creditors, and to declare before him the amount originally owed him by the debtor and the amount actually received. Then the viscount should hold him to the oath that he has taken, and commit him to handing the debtor over to the court as soon as his debt has been repaid. Should the debtor then have no other debt, he should be freed forthwith. This indeed is right and proper, to compel the person holding the debtor in custody to take an oath, for otherwise one could place a friend in custody who happened to owe something to another man or woman, and could maintain that he owed me 100 bezants, and impede the dispensation of justice to good people by such a deed.

**Article 63 (Kausler, I, lxxv-lvi).** Since the law regarding lenders has been explained above, now will be interpreted the law regarding guarantors saddled with other peoples' debts.<sup>229</sup>

All persons should know well that guarantors are secondary debtors, for when a person who has lent what is his cannot be repaid by his debtor, he then has recourse to the law stipulating that the guarantors must repay him, for the lender obtained guarantors on account of being afraid of his debtor. From this it is apparent that it is good to have someone as a guarantor, for thereby one's legal rights are established and assured.

**Article 64 (Kausler, I, lxxvii).** Here is explained the case where a guarantor denies having offered a guarantee and subsequently acknowledges having done so.

Know well that should a person be a guarantor of another person, if the lender asks for the security of the guarantor, who initially denies having offered guarantees in court, and subsequently admits having done so to the court without having been compelled to this admission by witnesses, then the law decrees that the guarantor is first of all untrustworthy and can no longer be heard in court for evermore. Nor can he be a witness or be believed regarding anything he says, and he is sentenced to pay the same fine to the court as a faithless man would have to pay.

**Article 65 (Kausler, I, lxxviii).** Here is explained the law regarding one who sells the security of the guarantor for more than what he is owed, and how the surplus must be returned.

Should it happen that a person is your guarantor and you ask him for his security, and he does so, and you then sell this security for more than the amount guaranteed, for which the security had been surrendered, the law decrees that you must return the surplus to the guarantor who handed over the security, this being what is fair. And if

229. Kausler, I, 94, lxxv has the law on guarantors in Latin, and lxxvi has the same law in French. The Greek text translates the French heading of Kausler, I, 94, lxxv, and the French passage of Kausler, I, 94-95, lxxvi.



you return the surplus to the debtor, you must make up the difference to the guarantor, should he wish to seek it from you.<sup>230</sup>

**Article 66 (Kausler, I, lxix).** Here the law is explained regarding one who entrusts his security to his debtor, after having taken it.

If it happens that someone has a debtor, whom he approaches at the time of repayment, asking him to return the property lent to him, and the debtor responds 'I cannot repay you now', and the creditor answers 'Since you do not wish to pay me, I shall go and obtain the security of the guarantors', causing the debtor thereupon to beseech him 'Do not take the security from the guarantors for I shall deliver the security on their behalf', and then after he has delivered this security on the guarantors' behalf he then asks entrust him with the security for fifteen days, stating that he intends to return it to him, or a better security than this, once the fifteen days have passed. Know that the law decrees that should the debtor then prove unwilling to return the security to the creditor, by the law and the Assizes of the Kingdom of Jerusalem the guarantors are relieved of liability for whatever the security pledged is worth, because the creditor placed his trust in the debtor.

**Article 67 (Kausler, I, lxx).** Here the law is explained regarding guarantors wishing to be discharged of their obligation, and when this is possible or otherwise.

If a person produces three guarantors to pledge security for him, according to the assizes of the land, before another man or woman, then from that time onwards he can no longer absolve one of the guarantors without the others. Should the person who appointed the guarantors then tell his debtor 'Make out that you have repaid this money for one of my guarantors', whom he names, stating that he wants the guarantor absolved from honouring his guarantee, know that the law decrees that he cannot do this, nor can he absolve one guarantor without absolving the others. Similarly, should it occur that one of the guarantors, taking his own security or that of another person, approaches the creditor and says to him, 'Take this because I wish to be absolved from my share of that for which I am a guarantor', know that this is of no use to him, nor can the creditor absolve one guarantor without the others.<sup>231</sup>

**Article 68 (Kausler, I, lxxi).** Listen to the law regarding the security of the guarantor.

Should I, for instance, become Bernard's guarantor for Martin, and should Bernard ask me for the security which I pledged for Martin, for whom I am guarantor, should it then happen that Bernard<sup>232</sup> returns this security to me, the law decrees that the guarantor is personally absolved for as much as the security is worth, by law and according to the assizes of Jerusalem.

230. The first two lines of the Greek text are corrupted, and I have followed Kausler, I, 95-96, lxviii.

231. The Assizes differ in this from Roman law. *Justinian's Institutes*, 3.20.4 make it clear that the creditor can recover the whole debt from one of the guarantors, although this was later qualified under the Emperor Hadrian.

232. The Greek text wrongly has 'Martin'. See Kausler, I, 97-98, lxxi and note 2.

**Article 69 (Kausler, I, lxxii).** Here the law is explained regarding debtors who allow the securities of their guarantors to be sold, without having the means to recover them.

Should it happen that a person has guarantors appointed on his account because of a debtor, and the securities of these guarantors are then sold, the law decrees that he who had the guarantors appointed is obliged to return the value of the guarantees sold on his account. Should the debtor,<sup>233</sup> this being the person who had him offer the guarantee, is unable to return the value of his security, then the court should have the person of this debtor surrendered to the guarantors. They should hold him in custody in gaol, or at their home, or wherever they wish in a Christian manner, until he should pay them. And they are not allowed to hurt him, or have any harm done to him, and must have him fed on bread and water at the very least, if they do not wish to give him more of their food. Furthermore, if there are additional guarantors entitled to ask the debtor to repay them on account of having suffered loss on his account, then by law he must make good everything he owes.

**Article 70 (Kausler, I, lxxiii).** Here the law is explained regarding those guarantors who lack the wherewithal to act as guarantors, or who have departed from the kingdom.

If it happens that someone lends what is his to another person, obtaining guarantors in accordance with the law of the country, should it then happen that one of these guarantors embarks upon a journey, that is to say leaves the limits of the kingdom, or should he have a guarantor who lacks the wherewithal to act as guarantor, then he among the guarantors able to act as such must do so on behalf of all of them. And if none among them states that he has the wherewithal to act in this capacity, then the law decrees that he who does not have sufficient means to act as a guarantor must swear upon the Holy Gospels that he has nothing above ground or below ground by which to act as a guarantor, and in this manner he should be absolved of his obligation in accordance with the law.

**Article 71 (Kausler, I, lxxiv).** This is the law regarding securities, and for how long they can be held prior to their sale.

Know well that if one who acts as the guarantor of another, in accordance with the assizes of the country, is asked by the creditor to surrender his security to him within the time in which repayment was agreed, and he agrees and then asks the person to whom he surrendered his security to restore it to him for fifteen days, which is done, know well that the creditor can hold the security in his home, and lawfully keep it for up to fifteen days if he wishes, nor can the guarantor compel him to return the security. If the debt is not repaid within those fifteen days, then the law decrees that you can advertise and sell the security throughout the city as an abandoned guarantee, and whoever pays the most shall take it. In this manner it should be advertised

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233. See Kausler, I, 98, lxxii note 2. Both the French and the Greek texts wrongly read 'creditor' here.

for sale for three days throughout the city,<sup>234</sup> and on the third day it can be delivered, that is to say handed over as sold. But know well that the security given by the guarantor neither can nor should be sold until the fifteen days have expired, as has been explained above.

**Article 72 (Kausler, I, lxxv).** Here the law is explained regarding a security which has been reprieved, that is to say it has been withdrawn from its initial sale without the permission of the owner, and which has then been sold on another day for less, who should shoulder the losses sustained, and who should pay for them, the owner of the security or the auctioneer.

If one person is the guarantor of another for 100 bezants, and the creditor asks for the security from the guarantor, who then surrenders a mule belonging to him to the creditor, it may happen that the creditor decides to sell the mule as a guarantee given to him,<sup>235</sup> and can realise 100 bezants from its sale. Having sold it, he has it taken away, that is to say withdrawn from the sale, and then arranges for it to be sold to another on the following day. On this occasion he is able to realise only 60 bezants from its sale, and he sells it for this much. The creditor subsequently proceeds to ask the guarantor for a second guarantee for his 100 bezants,<sup>236</sup> and the guarantor responds 'I will give you no guarantee, because you sold the mule for 100 bezants, regarding which I was your guarantor, and if you withdrew the mule you did not withdraw it with my authorisation, and so I do not wish to answer you unless the court so decrees'. The creditor replies 'I did indeed withdraw your mule, but I withdrew it so that the debtor would pay me the money, and for no other reason. For this reason, moreover, I sold the mule for less than 100 bezants and I want you to make good the difference, if the court so decides'. The law decrees that the assessors must examine the accusation and pass judgement, and on all others like it, that the guarantor is acquitted, for the possessor of the security withdrew the mule from the sale, or whatever other guarantee, without its owner's authorisation.

**Article 73 (Kausler, I, lxxvi).** Here the law is stated regarding guarantors who have died before paying their security, and to whom the debtor should turn for redress.

If it happens that one person lends another 100 bezants, and that the creditor obtains three guarantors from the debtor for his peace of mind, and it then comes to pass that one of the guarantors dies before the period of repayment expires, the creditor can turn to the other two guarantors by law for repayment of the whole debt. If two should die, he can turn to the third guarantor for repayment of the whole debt. Should all three guarantors have died before repaying the debt, the person (i.e. the debtor) who had them appointed guarantors must repay what is outstanding.<sup>237</sup> The law

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234. Kausler, I, 100, lxxiv *add.* 'after the fifteen days'.

235. Kausler, I, 101, lxxv has 'as an abandoned guarantee'.

236. Kausler, I, 101, lxxv has 'for the shortfall on the 100 bezants'.

237. Kausler, I, 102, lxxvi *om.* 'the person ... outstanding'.

decrees that the lender, if the borrower is reluctant to pay him what he owes him, and if the lender lodges a claim in court, can have the court impound the securities of the deceased guarantors, and have a portion of them sold until the lender is repaid. And if a certain amount is still wanting, then it must turn to the debtor. This is what is just and lawful according to the assizes of Jerusalem. Likewise should it occur that the guarantors have left the bounds of the kingdom, in such a case the lender should keep their securities, as has been explained above, and have custody of the debtor's person.

**Article 74 (Kausler, I, lxxvii). Regarding one who receives an article from his debtor in order to extend his period of repayment.**

If it happens that one person lends something of his to another, to be repaid within a fixed term, and that he obtains guarantors in order to be more secure as regards his debtor, and then when the term has expired, the lender reaches an agreement with the borrower for something which he has given him, and grants him another deadline, extending the period of repayment,<sup>238</sup> the law decrees that since he has granted a new repayment deadline in the guarantors' presence it is outside the guarantee and they are relieved of their guarantee, according to the law and the assizes.<sup>239</sup>

**Article 75 (Kausler, I, lxxviii). Regarding the guarantor who lacks the wherewithal to pay, and the debtor who can<sup>240</sup> easily have him arrested in order to secure repayment.**

A certain person lent Gerard 100 marks, and Bernard was Gerard's guarantor for the 100 marks lent to him by the creditor. After this, when repayment was due, the creditor told Bernard to give him some security in his capacity as guarantor, 'because the debtor is unwilling to repay me'. The guarantor replies 'I cannot act as guarantor nor do I have security to give you'. The law decrees that since he states that he lacks the wherewithal to repay the debt as a guarantor, the court must compel him to swear upon the Holy Gospels that he has nothing above or below ground with which to repay the debt as a guarantor, and on doing so he is acquitted, if it be the case that the creditor does not wish<sup>241</sup> hold him in his custody, as has been stated above with regard to the other rulings.

Should the creditor, however, be able by some manner to discover that the guarantor does have some article enabling him to act as a guarantor, then the oath taken by the latter should in no way impede the creditor from seizing the guarantor's security by way of repayment. The guarantor, moreover, who has sworn a false oath should be sentenced to pay the court such a fine as that payable by a common criminal. Should the debtor who placed him as guarantor not wish in any manner to absolve him, then the viscount and the court should grant leave to the [other] guaran-

238. Kausler, I, 103, lxxvii *om.* 'extending the period of repayment'.

239. The penultimate line of the Greek text is corrupt. See Kausler, I, 103, lxxvii.

240. The Greek text mistakenly has 'cannot'. See Kausler, I, 104, lxxviii.

241. The Greek text omits the verb 'wish'. See Kausler, I, 104, lxxviii.

tors to take such things from the guarantor as he had left them, and sell as many as are required for them to be absolved. And should the debtor be a foreigner from outside the country, and he wishes to leave, the creditor can indeed hinder him from doing so and deprive of his security, without making this known to the court, or else he can hold the debtor's person in custody until he has the matter made known to the court. And the viscount should have the debtor brought before him in order to compel him to satisfy his debt to the man or woman holding him in custody, something that the guarantor can likewise do to the person placing him as guarantor. And if the debtor lacks the wherewithal to repay him, then the guarantor can be relieved of his obligation on swearing the required oath, as stated above. The court must then hand the debtor over to the guarantor who should hold him in his custody as a Christian, without doing him any harm, until he is repaid. This indeed is right and lawful.

**Article 76 (Kausler, I, lxxix). Regarding the guarantor, how and when he can be absolved from his guarantee, and when he cannot be absolved.**

Know well that if a person undertakes, that is to say commits himself to become the guarantor of another for a specified period of time, should it then happen that the guarantor quarrels with the debtor, and coming before the court accuses him there and declares that he wishes to be absolved of the guarantee which he has given him, and no longer wishes to be bound by the terms of the guarantee, the law decrees that the guarantor cannot be so absolved nor can he pressure the debtor into conceding anything before the fixed term of repayment, unless they have some other understanding between them, or unless the debtor wishes<sup>242</sup> to leave the country. For if the debtor wishes to leave the country it is lawful that he be forced to absolve him of the guarantee, if the guarantor so wishes, for this is what is lawful.

**Article 77 (Kausler, I, lxxx). Regarding the guarantor who acknowledges only one half of the sum that has been guaranteed by him.**

If it happens that a person has a guarantor who has guaranteed him for the sum of 20 bezants, and when the time for repayment arrives, his creditor asks the guarantor for his security of 20 bezants to which he had committed him and the guarantor replies 'God forbid that I am your guarantor for anything other than 10 bezants', the law decrees that should the creditor happen to have two witnesses who have seen or know that the guarantor has indeed pledged 20 bezants, he is obliged to pay them. If the creditor does not have two witnesses to testify that he guaranteed this sum, then let the guarantor swear upon the Holy Gospels that he is not the guarantor for anything other than the 10 bezants, and on swearing this oath he is not accountable for the [other] 10 bezants.<sup>243</sup>

242. The Greek text and Kausler, I, 106, lxxix mistakenly have 'does not wish ...', but see Kausler, I, 106 note 1.

243. Kausler, I, 106, lxxx has '... and this is what he will repay him, and then he is acquitted by law'.



**Article 78 (Kausler, I, lxxxi). Regarding the forcible acquisition of securities by the guarantor.**

If it happens that one person guarantees another, and that the person whom the guarantor guaranteed wishes to take his security, the guarantor should let him take it. But should it happen that the guarantor then seizes his security forcibly, and that the debtor can prove with two witnesses that he is indeed his guarantor, then the latter should be condemned as a violent person in the town. For should he have he deprived the debtor of his security unjustly, the court will make him return it by law. Know well, moreover, that all persons can easily obtain the security pledged by their guarantors without having recourse to a summons issued by the proper authority, that is the court, simply by having two witnesses<sup>244</sup> that he is their guarantor, for this is what is lawful.

**Article 79 (Kausler, I, lxxxii). Regarding who can sell the house of his debtor, whether it should be the guarantor or the creditor, and which sale is valid.**

If one person acts as guarantor to another, and the creditor asks for his security, should the guarantor give the debtor's house<sup>245</sup> as security, the creditor must not accept it because it has not been sold, but given to him only as security. The guarantor, however, who is the master of the house should sell the property so as to be absolved from the guarantee. And indeed if the guarantor who controls the property wishes to give the habitation to the creditor he can put it on the market. But if the creditor sells the property of his debtor, and if the creditor then dies, and some relative of the person who had the property comes forward and asks for this property as the rightful heir, he should have it, and the purchaser of this property will lose what he has given for it by law. For this reason the creditor should not sell the property, but only the guarantor who has nothing to fear from anyone, nor runs any danger through selling it, for the law decrees that the guarantor should sell it in order to be absolved from his guarantee.<sup>246</sup>

**Article 80 (Kausler, I, lxxxiii). The law regarding the securities offered by the guarantors, of those securities which have been sold, and who should be liable for them.**

Should a person happen to have a debtor, he cannot nominate him as his guarantor in order to relieve him of payment so as not to pay what he owes his own creditor.<sup>247</sup> For people should know well that if the debtor allows the sale of the security of his guarantor<sup>248</sup> then the guarantor's securities are lost, and nothing will remain for

244. The Greek text wrongly has 'guarantors'. See Kausler, I, 107, lxxxi.

245. The Greek text misleadingly has 'his house'. See Kausler, I, 107, lxxxii.

246. The Greek text of Codex One is corrupted, and I have followed Kausler, I, 107-108. See also Codex Two of the Greek text, Article 81.

247. The Greek text and both French texts (Munich and Venice) wrongly have 'debtor'. See Kausler, I, 108, lxxxiii note 2.

248. Kausler, I, 109, lxxxiii *add.* 'who is his debtor'.

[repayment of] the debt owed by the guarantor to his creditor, which is from another source. The debtor must give away nothing, but must return all his securities to him, and accept liability for all the damages brought about from the sale of securities sold on his account and on account of his debt. This is what is just and lawful according to the assizes of Jerusalem.

**Article 81 (Kausler, I, lxxxiv). Here we shall state the law regarding someone who lends his beast to another, and the person receiving it is the debtor or guarantor of a third party, and on what grounds he may lose his beast.**

If it happens that a person wishes to do a kindness and favour to a friend of his, and lends him his horse, or else places him in the saddle in front of him to ride the horse, while he sits behind him, and the friend happens to be the debtor or guarantor of some other man or woman and should happen to run into them, either alone, or sitting in front and with the owner behind him, the law decrees that the man or woman to whom he is a debtor or a guarantor can easily force him to hand over the animal, on account of his debt or the security that he has pledged, so as to clear him of the debt by law and according to the assizes. Therefore be careful over whom you honour with your kindness, that he be a person regarding whom you can lawfully lose nothing, for it is a well attested fact that the beast is considered his if he rides in front and you are behind him.

**Article 82 (Kausler, I, lxxxv). Here you shall hear the law regarding men and women working for other people, and on things that men and women hire out to one another, for something that one party must give and the other must take.<sup>249</sup>**

**Article 83 (Kausler, I, lxxxvi). This law is also written in Latin.<sup>250</sup> Regarding the sergeant, what powers his lord has over him and what powers he has with respect to his lord.**

Should it come about that a man or woman retain a servant or a chambermaid for a fixed term, the law decrees that the lord or lady who retained them have such power that they can dismiss their servant or their chamberlain if they wish, but are obliged as follows, to pay them for as long as they worked, for otherwise the dismissal is invalid. The servant, however, or the chambermaid cannot depart from their lord until the fixed term is ended, if their lord or lady, whoever they be, do not wish it. Should it happen, however, that the servant or the chambermaid remaining<sup>251</sup> with their lord or lady wish to go abroad, the law decrees that the lord or lady who maintain them are obliged to grant them permission, that is leave, since they wish to go abroad, and must pay them for as long as they have worked. But should they not wish to go

249. In Kausler, I, 110, lxxxv a Latin text follows this heading, which is omitted from the Greek translation

250. This sentence refers to the preceding article. See note 249 above.

251. The Greek text wrongly has 'not remaining'. See Kausler, I, 111, lxxxvi.

abroad, their lord or lady need not then grant them release, if they do not want to, until their term ends. And if the servant or the chamberlain left without their permission, they are firstly considered faithless, and then they lose whatever they have worked for, that is their monthly salary. Should they be found, moreover, with another person in the country, their lord or lady can seize them and have their palm branded with a hot iron, or force them to swear to serve their lord or lady and carry out their tasks until the end of the term mutually agreed, for since they left without their permission, and without the term of the contract expiring, first of all they deny God and then they break their oath, as the law decrees.<sup>252</sup>

**Article 84 (Kausler, I, lxxxvii). Regarding the servant or the chamberlain who have been kept, and have found a [valuable] find, and to whom the find should belong, to the servant or the lord, whoever he might be.**

If a person maintains a servant or a chambermaid in his service to carry out his tasks, and it so happens that the servant or the chambermaid find something of value, the law decrees that the lord should keep one half of the find, and the servant or chambermaid the other half.<sup>253</sup> [If] the lord leaves the country with his lady, or with the army, and should the lord or lady gain something, [then their servants] should by law have one half of this also.<sup>254</sup>

**Article 85 (Kausler, I, lxxxviii). Regarding the servant or chambermaid who steals something belonging to his or her lord and departs.**

If it happens that a man or woman kept a servant or a chambermaid in their service, who secretly took something from the house, or from their lord or lady, while the lord or lady were out of the house, and the lord or lady subsequently come across the article lost upon another man or woman, the law decrees that the lord or lady to whom the servant or chambermaid had done such a deed are by law entitled to reclaim what is theirs, by swearing upon the Holy Gospels that they neither gave anyone the thing that was found, nor sold it, but had it stolen from them, as they had stated, by their servant or their chambermaid. In this manner they can recover the article,<sup>255</sup> and if they wish they can declare the person responsible for its loss a thief. And should the person stealing it be arrested, by law he should have a fine imposed upon his person corresponding to the value of the article stolen. This is what is just and lawful according to the assizes of Jerusalem.

**Article 86 (Kausler, I, lxxxix). Regarding the servant or the chambermaid who lose something belonging to their lord.**

Should it happen that a person has a male server called a servant, or a female server called a chambermaid, and that the male or female servant lose some article among

252. For the final sentence Kausler, I, 111, lxxxvi has '... and he leaves, and he has denied God and then broken faith'.

253. Kausler, I, 112, lxxxvii *om.* 'and the sergeant ... the other half'.

254. The Latin conclusion to Kausler, I, 112, lxxxvii points out that this is in accordance with Syrian practice. For the influence of Syrian and Byzantine law on the Assizes, see P. Zepos, 'Το Δίκαιον εις τας Ελληνικας Ασσιζας της Κύπρου', in *ΕΕΒΣ*, Τόμος ΚΕ' (1995), 306-330.

255. Kausler, I, 112-113, lxxxviii *om.* 'In this manner ... article'.

those which they have in their care, belonging to their lord or lady, the law decrees that they should make good the article lost, or give the value thereof, and so it should be.

**Article 87 (Kausler, I, xc). Regarding a person who beats his servant or his chambermaid.**

If a person becomes angry with his servant or his chambermaid and deals them a blow, and then the servant or chambermaid have a court summons issued, according to the assizes, the law decrees that their lord or lady should not have to appear in court. But should the lord or lady beat them, or have their servant or chambermaid beaten to excess, or inflict an open wound upon them, should their servants then have them summoned to court, the assizes and the law decree that they have a good case, the same as a stranger would have.

**Article 88 (Kausler, I, xci). Regarding a tailor who sews people's clothes and then makes off with them, and likewise as regards all other crafts.**

If it comes about that a person gives his clothes to a tailor to have them sewn and fitted, or if he gives a length of cloth to a clothier to be fashioned, or some other utensil to another craftsman for working on, should the craftsman make off with everything, and it then comes to pass that what is the owner's, or his clothes are found upon another person, or at that person's house, the law decrees that he can reclaim what is his in the following manner. He should swear upon the Holy Gospels that he neither lent this article, nor sold it nor donated it, nor offered it as a security, but rather gave his clothes, or his lengths of cloth, or whatever belonged to him in order to have it fashioned, as is stated above. In this manner let him reclaim and take the whole of what is his. Truly this is what the assizes state, and they decree that if it should be the case that the craftsman has executed some work on the article concerned, and awaits payment for what is due on his labour, then he has forfeited all the work that he has put into this article.<sup>256</sup>

**Article 89 (Kausler, I, xcii). Regarding one who has rented out his house, and when the tenant can relinquish it.**

Should it happen that a person rents out his house to another man or woman for a defined period of time, since the owner of the house has rented it for a definite period, no one can make the tenant depart until the agreed period of time has lapsed. Nor can the tenant depart until the end of the declared period. Should he perhaps wish to vacate the house, he must pay the rent up to the end of the specified term, even if he was there for only one day.<sup>257</sup> Similarly the owner has no right to make him depart.<sup>258</sup>

256. For a comparison with Roman law see *Justinian's Institutes*, 3.24.5.

257. Kausler, I, 115, xcii *add.* 'if the person to whom the house belongs so wishes'.

258. Kausler, I, 115-116, xcii *add.* 'And if the owner of the house gives him notice to leave the house before completing his tenancy, and it is but two days before the completion of his tenancy, he must nonetheless rent it to him for the full year. If not, the tenant need pay him nothing after he has been given notice, and if he has paid him something, the owner must return it in full, by law and by the assizes'.

**Article 90 (Kausler, I, xciii). Regarding the same matter.**

Likewise if a person has rented out his house to a man or a woman for one year, and the man or woman paying rent for this house is either an evildoer, or has been sentenced to depart from his city, or has been ordered by royal decree to live outside the town, such a person is obliged according to the assizes to pay rent only for as long as he has been resident in the house, and no more. And truly if I have rented out my house to a woman who happens to be a procurer, or a evil woman, or is a bad person from a bad social background, or of ill repute, I should indeed have her leave my house before the end of the fixed term, and have her pay rent for as long as she has been in the house, for it is not right for such people to live among good people, but only in the communal area which has been ordained as the dwelling place of such people.

**Article 91 (Kausler, I, xciv). Regarding someone who is unwilling to pay the rent due on the house, and what recourse the owner, male or female, has at his disposal.**

Know well that if a person rents out his house to some other man or woman, and the man or woman who are the tenants of the house are unwilling to pay the rent due, the law decrees that the owner can have a lock placed on it and thereby seal the house and all its contents, and have them sold to the knowledge of the viscount and the man or woman to whom these things belong, if he so wishes, being entitled, moreover, to be paid whatever balance is outstanding on the rent of his house. And if he cannot be repaid in full out of the articles found in the house, the law decrees that the owner can have recourse to the man or woman to whom he rented out his house, and by law they must pay him the remainder.

**Article 92 (Kausler, I, xcv). Regarding a person who hires his beast, that is his horse, to another man, and who should make good the loss if the animal dies.**

If a person hires out his beast to another person, and the person who has paid for the horse's hire leads it and takes it in the proper manner, and yet it dies, he should be acquitted in the following manner. Let him swear upon the Holy Gospels that he neither took the horse off the road nor did anything to it on account of which it would die, and thereby let him be acquitted. But if the person who paid for the horse's hire changed its course and took it to a destination other than the agreed one, or if he burdened it with a load in excess of what was proper, and the beast died, or was wounded, the law decrees that he must make good the value of the animal to its owner,<sup>259</sup> either in money, or by providing another animal like the former one, according to the law and the assizes.

**Article 93 (Kausler, I, xcvi). Regarding the camel driver who hires out his camels and lets them cause damages.**

If a camel driver hires out his camels to transport wine, or oil, or some other thing, and should it come about that the camels collapse and cause damage to the load they

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259. Kausler, I, 118, xcv *add.* 'if the owner of the beast can prove with two witnesses that he had taken the beast further than he should have, or had overloaded it, whereby the beast was killed or maimed'.

are burdened with, by law the camel driver does not have to make good any of the damage in this regard. But should it happen that the ropes of the camel's saddle snap, the law decrees that the camel driver is legally obliged to make good the damage. Furthermore, if the owner of the consignment can prove by the testimony of two witnesses that the camel collapsed on account of the camel driver, due to his careless supervision, then by law the camel driver must make good the breakages or damages in this regard.<sup>260</sup>

**Article 94 (Kausler, I, xcvi). Regarding an animal that has been rented out and then suffers exhaustion and dies in the street, and whether the responsibility for this should be borne by the person renting it out, or the person riding it in the street.**

Know well that if a person rents out his animal to someone else, and this animal collapses while on the road, the law decrees that once it collapsed it must not be taken far away, but must be left by the first locality or habitation of Christian people and left there. And another animal should be rented out in place of the one that has collapsed outside the first locality or habitation. And should the first animal die, the law decrees that the person who hired it should pay its owner its value at the time when it was hired out.

**Article 95 (Kausler, I, xcvi). Regarding someone who hires an animal belonging to someone, and shoes it,<sup>261</sup> and who should pay the damages if the animal dies.**

Should a man or woman hire an animal which then becomes exhausted, or falls sick, if the man or woman who hired the animal then shoe it and the animal dies or is maimed, the law decrees that they must rightfully offer compensation, for no-one should shoe another person's animal for any injury befalling it, other than the animal's owner.<sup>262</sup>

**Article 96 (Kausler, I, xcix). Regarding someone who hires an animal, and having hired the animal sells it, or offers it as security for some debt he owes, and the purchaser at once offers it as security.<sup>263</sup>**

Should it happen that a person rents out his animal to another man or woman, and the person who hired it sells it or offers it as security, or has it taken from him on account of a debt which he owes, the law decrees that its owner, man or woman, should take

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260. Kausler, I, 119, xcvi *add.* 'to the person to whom the article which is lost or abandoned or robbed'. The liability of the owner regarding damage caused by his animals on account of his own negligence is also found in *Justinian's Institutes*, 4.3.8.

261. The Greek text wrongly has 'arrests it'. See Kausler, I, 120, xcvi.

262. Kausler, I, 120-121, xcvi has '... without orders from the person to whom the beast belongs'.

263. Kausler, I, 121, xcix has 'Here you shall hear the law regarding one who hires the beast of another, and after hiring it sells or places it as security, or else it is confiscated on account of a debt which he owes someone'.



it back wherever they should find it in the kingdom with the permission of the viscount or of the *bailli* of the country where the animal is found. And let the owner bring forward two witnesses to provide testimony and to swear that the animal is his, and the owner should likewise swear upon the Gospels that he neither sold the animal, nor offered it as security, nor gave it away, but rented it out as stated above, and then let him take back his animal in full, for this is the law according to the assizes of Jerusalem.

**Article 97 (Kausler, I, c). Regarding those who rent out their houses, fields or gardens.**

Should a person rent out his place of residence, his field or his garden to someone else through the court, according to the assizes of the country the person paying the rent can leave the rented property at any time he so wishes. This is because he pays for as long as he is in possession of the property, unless they have some other agreement between themselves, and because the tenant receives no greater portion of the produce than what he is entitled to. If for instance there was a vineyard being rented out, or a garden, and the tenant suddenly appropriated the whole crop, if he wishes to leave the rental property, this cannot happen. For he must leave the crop in the garden or in the vineyard as he had found it and for as long as he had held it, and indeed in an improved condition since it is usual and customary for fruit trees to show an improvement in every crop, unless some other agreement existed between the parties. For it should be well understood that agreements concluded between various parties should be valid unless the agreements are contrary to the law or contrary to good custom, because agreements prevail over or vanquish the law.

**Article 98 (Kausler, I, ci). Regarding one who rents some property, and is then unwilling to pay the rent, and to whom and where the owner should turn.**

Should it happen that a person rents out his house or his garden for a fixed period of time, and should the owner, male or female, of the rental property ask for payment from the tenant, male or female, if the tenant does not wish to pay the rent, and declares that he or she has paid it, then the court must see to it that where he declares that he has paid the owner of the property he should have two witnesses prepared to testify the truth of this, that they saw him pay on the appointed day. If he does not have two witnesses then the owner of the rental property, male or female, should swear upon the Gospels that they were not paid, and in this manner they can lawfully receive payment.

**Article 99 (Kausler, I, cii). Regarding one who rents out his property to another who does not wish to pay the rent. The owner of the rental property takes some security from him and spends something on the security, and who should pay these expenses.**

Should it happen that a man or a woman rent out their house for a certain sum every year, or every month, according to the terms of the agreement concluded between the parties, should it happen that when the term ends the owner, in accordance with the agreement, asks for the rent from the man or woman holding his property, and the

tenant is unwilling to pay him, the law decrees that the owner of the property is well able to sequester and receive the income for what is owed him from the tenant's garden, vineyard or house until he is repaid. And should it happen that the owner of the rental property underwent some expenses on the property he had taken as security, or had sequestered, for which he could not wait until later, such as roofing the tenant's house because it suffered from flooding, because it had been uncovered and could not remain so, for this was not feasible, or else had turned over the soil in his orchard, as it would have been flooded if this had not been done in season, should the tenant subsequently wish to recover his house or garden and pay the rent outstanding, the law decrees that he is obliged to pay all the sums expended on his property by the owner. But should a year and a day pass during which the owner of the rental property received no rent from the person who was holding it, the law decrees that he has lost the rental property, unless some other agreement had been concluded between them<sup>264</sup> within the year and the day. In this way he can receive what is his, by law and in accordance with the assizes of Jerusalem.

**Article 100 (Kausler, I, ciii). A law written in Latin.**<sup>265</sup>

Since you have heard the other laws, it is right for you to hear the law of things given in trust, that is to say *in commendam*, as is stated in Latin according to the law.

**Article 101 (Kausler, I, cv). Regarding the things surrendered by one person to another in trust, that is to say *in commendam*.**<sup>266</sup>

If it happens that a person<sup>267</sup> surrenders a belt or a locked strongbox to a hotelier, and Renaud says that there were 100 marks in the strongbox, and the hotelier puts the belt inside the strongbox, and following this Renaud arrives and asks the hotelier for his belt, which the hotelier returns, and Renaud thereupon examines his belt, and then his strongbox, and observes that the key has been broken, and that out of the 100 bezants he finds only 50 left, and Renaud then shows the strongbox to the hotelier, pointing out that the key of the strongbox has been broken, and that only 50 bezants remain out of the original 100, and the hotelier responds, 'My good friend, I have neither seen nor know anything regarding your strongbox, nor has it been opened, for I deposited it in my house in the exact condition in which you gave it to me', and Renaud responds 'I delivered my strongbox to you locked and found it opened, and out of the money inside it, 100 bezants, only 50 marks remain therein, that is to say one half, and so I want you to return to me the money missing if this be lawful', then let the assessors and the court examine the matter, as they should regarding the accu-

264. From this point onwards Kausler, I, 124, cii has 'or if he has paid him something within a year and a day: for then the owner can easily recover his property, by law and by the assizes of Jerusalem'.

265. See Kausler, I, 124-125, ciii for the Latin text.

266. This heading refers to the preceding article. Kausler, I, 126, cv has 'Here we shall state the law regarding one who gives in trust a closed box, and then finds it opened'.

267. Kausler, I, 126, cv *add.* 'named Renaud or Martin'.

sation, [and decree] that if Renaud can provide two witnesses to give testimony that they saw him surrender his strongbox, or to say that they heard Renaud tell the hotelier that he had 100 bezants inside this box, without the hotelier contradicting this, then the hotelier is obliged by law and according to the assizes to make good the outstanding amount. If witnesses are not available, then the hotelier should swear upon the Gospels that he neither opened the strongbox, nor removed anything from it, nor knew what was inside it, nor did anyone else do so on his behalf, but that he returned it as he had found it, and thereby he is lawfully absolved.

**Article 102 (Kausler, I, civ). Regarding articles surrendered by one person to another, following which the article in question is lost.**

Should it happen that a man or woman surrender some article of theirs to another person, and that the man or woman receiving this article in trust lose the same article in some fashion, the law decrees that they must make good the its loss to the person, man or woman, who had given it for safekeeping. If however the parties concluded an agreement when the article was handed over for safekeeping, that should the article in question be stolen, or should the house it was in catch fire and be burnt down, or the house collapse and the article be lost, then the recipient should be acquitted, it is right that should the article be lost in some manner involving the above contingencies, he should be acquitted by law and in accordance with the above agreements.

**Article 103 (Kausler, I, cvi). Regarding articles given in trust by one person to another.**

If it happens that a person arrives at an inn, or at a hostel, and asks the hotelier for the 20 bezants ‘which I gave you when I journeyed to Jerusalem, or across the sea’, and the hotelier replies ‘God forbid! You never gave me anything’, and the issue is then brought to court, the assessors should pass judgement in this instance that if the person asking for the bezants has two witnesses prepared to testify on oath and on peril of their souls that they witnessed him handing over the 20 bezants, without receiving them back, then the hotelier should hand over the 20 bezants. If the person asking for the 20 bezants does not have witnesses, then the law decrees that the hotelier must swear upon the Gospels that the claimant neither gave nor surrendered the bezants in question to him, and that he has sworn this upon the Gospels, so help him God. And let him be acquitted in this manner, that is to say absolved by law. Nonetheless be careful regarding to whom you entrust what is yours, that he be such a person as will not cause you its loss.

**Article 104 (Kausler, I, cvii). Regarding two persons giving the hotelier something while together, and how or at what time the hotelier should compensate their article.**

Should it come about that two persons hand over simultaneously to the hotelier, or the inn-keeper, 100 bezants, and as they depart one of them turns back after a short while and asks the hotelier for the bezants, the law decrees that the hotelier must not be compelled to hand over the article given in trust, for since the two persons gave it

simultaneously, they should both receive it simultaneously.<sup>268</sup> If perhaps they came to some agreement, that should one of the two appear he should hand over the thing entrusted in the presence of the court and of witnesses, then the first person asking for it, under the terms of the agreement, should receive the 100 bezants, and in this manner the hotelier can lawfully give them. If, however, no such agreement took place, and if the hotelier gave the bezants to one party and not the other, if the other party comes and asks once more for the bezants then the hotelier should rightfully give him one half of the sum, that is 50 bezants, on account of having given the original sum to the first of them on request, in the absence of the second.

**Article 105 (Kausler, I, cviii). Regarding the associations which people form between themselves in order to embark on a journey by sea.**

This also is written in Latin.<sup>269</sup>

**Article 106 (Kausler, I, cix). This law also concerns the associations undertaken by people between themselves.**

Each person can form an association with another, as indeed can all persons if they wish. One may commit 100 bezants to the association, and the other two commit no more than 50 bezants, and the association must be valid in accordance with the order agreed and for sharing the profits. People can even enter into such associations in a different manner, whereby one member of the company commits 50 bezants, while the other commits his person and his labour instead of money, and this association is also valid. If people so wish, that is if they agree between themselves, for one of the parties to be entitled to a share of the profit, and to incur no liability regarding damages, or for one party to have four-fifths of the profit, and the other party only one fifth, these agreements are similarly valid.<sup>270</sup> All associations, moreover, which are not contrary to good custom, or good practices, as has been stated above in previous decrees, may be valid or recognised between the parties involved, should they so wish, for ten years, or for five years, or for one year, and the association cannot be dissolved until the agreed term and time of duration is up. Should it happen that one of the parties wishes to dissociate himself from the association, without the consent of the others, or without the others having made a bad association with him, or having caused him harm, before the termination date agreed on between them, the law decrees that he cannot do so until the termination date. Should he nonetheless dissociate himself, if some damage befalls the association on account of his departure, it is right for him to make good the damages incurred by the other parties on account

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268. Instead of the next sentence Kausler, I, 128, cvii has 'if they did not state when they delivered the article that he should give the bezants to whichever of the two should come. For should such an agreement have taken place, he should give them to whoever should demand them, or if the person demanding the bezants made it clear to the hotel-keeper that no other person would demand those bezants from him if he delivered them, it is right that he should give them'.

269. See Kausler, I, 129, cviii for the Latin text.

270. For a comparison with Roman law see *Justinian's Institutes*, 3.25.2.

of his departure. Should it, moreover, come to pass that one of the company receives as a loan for his personal use, on account of not having recourse to other sources, some of the funds of the sea contract, the law decrees that he must give back to his other companions the same as he has taken from this fund, as much profit<sup>271</sup> as the other bezants of the association return. Indeed it is truly right and just for the association to be dissolved at any time in which all the associates wish to do so, or if the period of its duration has finished, or if one of the associates is difficult, an evil person, or one who has caused damage to the association in some matter, or is a person of ill-repute. The persons who create associations can dissolve them by law and in accordance with the assizes for all the reasons mentioned above.

**Article 107 (Kausler, I, cx). Regarding the associate who causes harm to the association.**

If it happens that two or three persons simultaneously agree to form an association, as is customary, and they enter into negotiations, and it happens that they simultaneously take an oath upon the Gospels, and resolve in implementing it to carry out the provisions of their association in good faith and in a righteous manner, and it then comes about that some disagreement arises between them, such as a breach of faith over a commodity of the association, and one of the persons asks for an oath from the person breaking faith, the law decrees that he is not obliged take an oath other than the first oath should he not wish to. But should it happen that his companions can convict the associate with two witnesses prepared to testify properly over the truth of the accusations, and that he caused harm, then he must first pay the damages, and then pay in addition as much as the other associate lost, or suffered damages on account of the harm caused. If no witnesses are available, then the accused should declare that by the oath they had all taken he had not done that which he was in trouble over, namely the breach of faith. In this manner let them be reconciled. Should the parties not have taken an oath upon the Gospels when the association commenced, it would be right for the party in breach of faith to take one. And if this companion is condemned through two witnesses of having caused the association harm, he should make good the damage to the remaining parties, in the manner stated above, and he must furthermore pay damages to the king, the same as those given by a faithless man in breach of his oath. He should, moreover, lose the right to be heard in court, in such a manner as to be believed no longer as a witness over any issue that might arise, by law and in accordance with the assizes of Jerusalem.

**Article 108 (Kausler, I, cxii).<sup>272</sup> Regarding the agreements concluded by persons between themselves, which agreement should be valid, and which should not be valid.**

If it happens that a man or a woman appears before the court and summons a person who had come to an agreement with them to honour their oath,<sup>273</sup> to mend their gar-

271. The Greek text omits 'profit'. See Kausler, I, 131, cix.

272. Kausler, I, 133, cxi, an article on the same subject in Latin, is omitted in the Greek text.

273. Kausler, I, 133, cxii has 'to build me my house' instead of 'to honour their oath'.

ment, or to carry out some other task, and the other party declares 'God forbid that I ever agreed to such a thing!', then the law decrees that if the claimant has two witnesses prepared to testify that the accusations are true, and that the defendant undertook to carry out the stated task, then the defendant must carry out the task as stated. If the claimant has no witnesses to testify that he undertook this, then the defendant should swear upon the Gospels that he did not undertake to carry out the task as stated, and he is thereby lawfully acquitted. Furthermore, whoever reaches an accord or agreement for the performance of some undertaking, whatever it should be, should do so openly so that it be recognised, for the issue to be judged clearly, and so that he will not be wronged.<sup>274</sup>

**Article 109 (Kausler, I, cxiii). Regarding one who comes to an agreement with another to do harm to someone.**

Should it come about that a person reaches an agreement with another person to kill his enemy, or his neighbour, or to pull up their trees or vineyards, or to wreak some other evil or harm, know well that he is not obliged to honour this agreement if he does not wish to. Likewise if he has received any money to carry out this wrongdoing, he need not return what he was given in order to do this misdeed if he does not wish to, because he had been given it in order to do harm. Likewise if he has carried out the task, that is the evildoing, and has not yet been paid and has the money owed to him, the other party should pay him, since he carried out the misdeed, but is not obliged to pay him if he is unwilling to do so.

**Article 110 (Kausler, I, cxiv). Regarding those who come to an agreement to do harm and fulfil it, and what should happen to them.<sup>275</sup>**

If it happens that a person reaches an accord with another person whereby he agrees to kill a third party, man or woman, for love or money or for something else, or for some other misdeed, and he carries out the misdeed for what he agreed on and consented to and received, and if he is then caught while executing this evil deed, or there are sworn witnesses who were at the scene and saw him do it, or if he willingly confessed it before the court, or because he was subjected to ordeal by water, or was hanged and dragged along the ground,<sup>276</sup> or underwent some other ordeal as was proper,<sup>277</sup> causing him to confess in full the misdeed he had carried out and the person who directed him to do what he did, the law decrees that if he committed murder, then both he and the person who directed him to commit it should be hanged, and their properties should be confiscated by the ruler of the country. If a crime other than murder was committed, then they should both be punished to the same degree in

274. The final sentence in Kausler, I, 133-134 states 'And the agreement must be clear enough for a claim to be lodged in court, and if not it should not be heard'.

275. Kausler, I, 134-135, cxiv *om.* 'and what should happen to them'.

276. Kausler, I, 135, cxiv *om.* 'or was hanged ... the ground'.

277. Here one sees the ordeal employed on Cyprus to extract a confession. For its use in this way elsewhere in Latin Europe see R. Bartlett, *Trial by Fire and Water, The Medieval Judicial Ordeal* (Oxford, 1986, repr. 1999), pp. 74-75 and 143.



accordance with the evil of the misdeed, for the person instigating the crime is just as incriminated as the person who carries it out.

**Article 111 (Kausler, I, cxv). Regarding declared oaths, what must happen before the matter goes to court.**

If a person summons another to court on account of some agreement or accord they had both reached, and which one party reneged on,<sup>278</sup> should the other party convict him with two witnesses, as is proper, then by law the accord should be implemented in accordance with the testimony of the witnesses. If the plaintiff does not have two witnesses with whom to convict him, then the defendant must evade the agreement only under oath. But an issue should be made clarified under oath before the defendant swears his promise, as appears from the following instance. If you sold me your beast of burden, declaring it to be good and strong, and promising that it has no sickness or wound, and it is then found wounded, I say 'Give me my money back', and the seller replies 'God forbid that we ever had such an agreement!'. This and similar claims should truly be concluded before sworn witnesses so that the issue can be truly clear.

**Article 112 (Kausler, I, cxvi). Since you have heard about the other claims, it is right for you to know the grounds on which the court grants a day for the hearing of claimants.<sup>279</sup> It is in Latin, in keeping with Imperial (i.e. Roman) law.<sup>280</sup>**

**Article 113 (Kausler, I, cxvii). This article also concerns court inductions.<sup>281</sup>**

Know well that the days which the court grants to claimants<sup>282</sup> are granted with justice and charity, and so that the defendants may express their will on an appointed day, either to agree or reach an accord over their dispute, or so that they are ready to offer a defence against the accusations. This is why the claimants should appear on the appointed day and be present. Should the claimants fail to appear on the appointed day, let them know that they lose their case, if they have no good reason for which to be excused for not coming to attend this case and issue.

**Article 114 (Kausler, I, cxviii). Regarding one who is due to appear in court on a certain day, who fails to appear on the appointed day, and what he should be obliged to give the court.**

Know well that no arrangement for two persons to appear in court is of any use, nor is it valid, if it is not made in the presence of both parties, that is of the claimant and the defendant. If the viscount arranges for two persons to make a court appearance in such a manner that the one was not present before the other, and then one of the par-

278. Kausler, I, 135-136, cxv *om.* 'and which one party reneged on'.

279. The Greek text wrongly has 'defendants'. See Kausler, I, 136, cxvi.

280. For the Latin text, see Kausler, I, 136, cxvi.

281. The article heading, not in the Greek text, is from Kausler, I, 136, cxvii.

282. The Greek text wrongly has 'defendants'. See Kausler, I, 136-137, cxvii.

ties due to appear in court failed to appear on the appointed day, the law decrees that he should pay the court 7.5 *sous* and no more. If, however, the court arranges for both parties to appear with both parties being present, and they fail to appear on the appointed day, then neither party is obliged to pay damages to the other party, and each party has only to pay 7.5 *sous* in damages, by law and in accordance with the Assizes of Jerusalem. If, moreover, both parties happen to be burgesses resident in a town, and both are summoned to appear in court, the one failing to do so on the appointed day, before the court adjourns, will by law lose his case.

**Article 115 (Kausler, I, cxix). Regarding a person who is not from a town, who has been summoned on an appointed day, and does not arrive on the day.**

If it comes to pass that a person not from a town brings charges against someone, is due to appear in court on an appointed day, and fails to appear on this day before sunset, the law decrees that he does not lose his case on account of this because he is not from the town. But if he left the city<sup>283</sup> and failed to appear on his appointed day before the court officers departed, without having a good reason for not being able to come, he would lose his case. If, however, he had a good reason for not appearing on his appointed day, then the law and the assizes decree that he has not lost his case on account of this. Indeed, he should be given a hearing as if he had appeared on his appointed day.

**Article 116 (Kausler, I, cxx). Regarding one who is unable to come on his appointed day and regarding the oath that his servant took on behalf of the person who countermanded his day because he could not arrive.**

If it happens that a person is due to appear in court on an appointed day, and that in the course of the journey he makes to appear on this day, he encounters a great torrent which happens to be between him and the town where he intends to go, and which he cannot ford, the law decrees that the person on the far side of the torrent should call out 'Lords! I send you as witnesses that I cannot pass'. Following this if he can bring forward two witnesses to testify that he was unable to ford the torrent then he does not lose the case for not having been able to ford the river. Nonetheless, after this he should make his way to court as quickly as possible and expound the obstacle he overcame in the presence of the viscount and the assessors. Indeed this judgement likewise holds good if pain or sickness seized him while he was on his way, or if he was captured by foreigners, or Muslims, or pirates,<sup>284</sup> or indeed if some dire peril confronted him and impeded him, and he should make this obstacle known before the court.

Similarly if he is due to appear before the court on a certain day over some issue, he should countermand his day and should make his impediment known to the court one day before the day appointed for him. His messenger should then declare before the *bailli* 'Sir, my lord greets you, and defers the day of his appearance as does one

283. The Greek text omits 'But if he left the city'. See Kausler, I, 138, cxix.

284. Kausler, I, 139, cxx does not mention foreigners or pirates.

who is ill, for he is unable to appear on the day appointed for him, and so I am ready to do what the court expects me to do, for my lord is in such a condition as I have told you'. The court should then see to it that if the opposing party desires the servant to take an oath, that his lord is in such a condition as he has stated, his servant should do so. And if he does so, know well that when his lord arrives in court he need take no oath in person, neither before the court nor before the opposing party, since his messenger took it for him, and this is what is lawful. If the messenger, however, did not take an oath, the law decrees that the lord should swear upon the Gospels that he was indeed in such a condition as made him unable to appear before the court on his appointed day. But know well that if he did not send someone to appear before the court one day before his appointed day, he must not be given a second deferral.

**Article 117 (Kausler, I, cxxi). Regarding the claimant, how and when he wins his claim, and when the defendant<sup>285</sup> defeats him.**

Should one person summon another to court, and should the defendant ask the court for an appointed day, then the court should give one to both of them simultaneously, that is within 15 days. And should the claimant, that is the person bringing the summons, fail to appear on the day appointed, and the defendant appears, then the person arriving on the day appointed will acquire the whole of the proceeds of the claim, and the person not appearing on his appointed day has by law lost his case. But if the person not appearing on his appointed day countermanded his day, in the manner described above, then the person arriving on that day has not gained anything by virtue thereof, nor has the person who failed to arrive incurred any damage or loss.

**Article 118 (Kausler, I, cxxii). Regarding a wounded person with an open wound, and the person wounding him, and whether he should have a day appointed for him or not.**

Should one person have another summoned to court for having wounded him, that is for having caused him an open head wound, and the person thereby summoned asks for an appointed day, the court should not give him one if the wound is dangerous, but instead should have him taken into custody and have him guarded well until it can ascertain what will happen as regards the person wounded, and until they are fully informed by the court doctor that the wound is not dangerous. The viscount and the assessors are well able to accept reliable guarantors from the person wounding him, and then the court should give the assailant an appointed day on which he may appear to offer a defence and give an account. When the day of his trial arrives, if in the meantime they have not been reconciled, if the assailant is convicted by testimony offered by witnesses, or by some other manner, so that it is known well that he inflicted the wound on account of which the victim suffered bodily injury, the law decrees that his fist should be severed, and that he should be paraded through the town in this condition, and should then be banished from town. This is what is right and lawful in accordance with the assizes.

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285. The Greek text wrongly has 'claimant' twice. See Kausler, I, 140-141, cxxi.

**Article 119 (Kausler, I, cxxiii). Regarding a person who summons another to court, who has received an appointed day without stating the accusation he is bringing against him, and what law should be applied.**

If it happens that a person comes to court and accuses another person without specifying the charges for which he has summoned him, and he receives an appointed day by court order, and then the claimant appears on the appointed day, but not the defendant, the law decrees that he has gained nothing on account of this, nor has the defendant who failed to appear lost his case, other than having to give the court 7.5 *sous*<sup>286</sup> for not having appeared on his appointed day. And if the claimant who appeared before the court on the day given him had specified the accusation he was levelling, the by law he would have obtained everything which he had declared due to him in the accusation, if the defendant did not appear on his day or had not altered his day beforehand, as is declared above concerning other summonses. This, moreover, is lawful and in accordance with the assizes of the country.

**Article 120 (Kausler, I, cxxiv). Regarding a guarantor who has guaranteed the appearance of another person in court on the day appointed, when the person so guaranteed fails to appear, and in which court<sup>287</sup> the guarantor must honour the guarantee for the person he has guaranteed.**

Know well that if one person has another summoned before the court as regards something which the latter owes him, having specified the amount owed, and the person summoned has been given a day on which to appear, and has offered a guarantor as a pledge that he will appear to close the case, or to offer lawful redress, if it then comes about that the person summoned fails to appear on the day given him by the court, the law decrees that the court should compel the guarantors to pay as much as they had guaranteed the person summoned to court for. For this is lawful and laid down in accordance with the assizes.

Should the person summoned be unable to offer a good reason as to why he had been unable to appear before the court on the day given him, and should it come about that the person guaranteeing him appeared in court at the time of judgement and declared 'Sir, behold the person whom I have guaranteed, and deal with him alone, for I have brought him before you because I wish to be absolved. Have him turned over to the person who is asking me for repayment of the debt, for I have been unable to find anything upon him to impound', the law decrees that neither the viscount nor the court can in any way comply with his request. Indeed, the guarantor is obliged by law to repay the person who advanced the claim as much as the person guaranteed owes him. Once he has repaid him, should he then wish to have the person he has guaranteed summoned to court, the court is obliged to compel the latter to pay. Should he by chance have no collateral, then the court should have him gaoled until he offers payment, or until he has honoured the requests of the person who was his guarantor. And should he spend more than one week in gaol, the person on whose

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286. The Greek text wrongly has 3.5 *sous*. See Kausler, I, 142-143, cxxiii.

287. The Greek text omits 'in which court'. See Kausler, I, 143-144, cxxiv.

account he has been sent there is obliged to keep him alive, and have him eat bread and water at the very least, should he not wish to offer him anything more. But once the week has passed, he is not obliged to offer him anything if he does not wish to, in accordance with the law and with the assizes of Jerusalem.

**Article 121 (Kausler, I, cxxv). Regarding the rights that all persons should have over the viscount in instances where claims are lodged before him.**

If a person comes forward and has another person summoned before the viscount, and the person summoned appears before the viscount and receives a day [on which to appear in court] and the viscount then lets him depart from his presence without securing guarantors from him, and it then happens that the person summoned disappears, the law decrees that the viscount is obliged to return to the claimant the whole amount for which the defendant had been summoned, or else act so that the defendant comes to court to render justice. This is what should be done according to the assizes.

**Article 122 (Kausler, I, cxxvi). Regarding the men of religion who advance claims in the royal court, and then when they are defeated their commanders are unwilling to adhere to what their brothers have done in the court regarding the claim.**

If it happens that a person of religion who is a master, or a *bailli*, or a commander, gives, that is to say rents, houses, or hires them out and comes before the court to advance a claim, and it happens that he receives a day by court order, and does not appear according to the order when this day arrives, then he has lost his case. For had he not lost his case as would any other person, it would not be possible to apply any law to men of religion. Likewise should their grand master wish to say that the brother who took this day, who was the commander of their village, did not take it on his orders 'And on account of not having taken the day on our orders, or because I, who was the grand master, told him not to go on that day, or I sent him outside in my place, and so do not wish the rights of the order to be forfeited', he is saying all these things deviously, and is unbecoming to the grand master of religion. For just as the grand master stood to gain if the other party did not arrive on his day, so to the same extent justice and the law prove that the other party has won the case by law and by the Assizes of the Kingdom of Jerusalem. For this reason let the grand master see to it that he ordains such brothers as *baillis* over his houses as will not forfeit their rights through their own fault. Should it have happened that the grand master has a certain brother sent for, who happened to have an appointment in court on that day, he should have had enough sense to tell his fellow brothers to have his day rescheduled since he could not appear on his day, as has been explained in the other chapters above.

**Article 123 (Kausler, I, cxxvii). Regarding an accusation that remained unresolved because the assessors were not unanimous.**

If it happens that a claim over some issue is lodged in court, and that the assessors are appointed to pass judgement over the case and are then unable to reach a unanimous verdict over the stated case, but leave the matter open, or *en respit* as is stated in French, on account of being unable to agree among themselves, and so the *bailli*

summons those party to the case and they appear on their day, they are obliged to abide by everything that the assessors decree. Should it happen that one of the parties arrives and the other does not arrive on their day, that is on the day given to them to hear judgement, the law decrees that the party arriving on the day given has won his case, and that the other party has lost it for evermore, if he had not countermanded his day as explained above. And should he not have arrived on his day, and had judgement not yet been pronounced on this day, then by law he should lose nothing, as though he were a simpleton and had not countermanded his day. Nor has the other party who arrived gained anything, for this is what lawful according to the assizes.

**Article 124 (Kausler, I, cxxviii). Regarding a man who brings a claim against a married woman, whether she should answer him court or not, and within what time she is obliged to give him an answer.**

If it happens that a man has a married woman summoned to court who is not resident in town,<sup>288</sup> know that it is not lawful for her to plead<sup>289</sup> in court without her husband. For by law the court should give her a day, that is a 15 day period. And should the woman not<sup>290</sup> be able to have her husband with her within those 15 days, as would be the case if her husband has left the kingdom, the viscount and the assessors can then give her a period of grace of a year and a day, as is lawful. And should her spouse have returned within a year and a day, she is obliged after this to provide justice to the person lodging the claim. Should he not return within a year and a day, then the woman is legally obliged to answer the person who has accused her, since the 15 days and the year and a day have expired, and her husband has received his right and lawful due but has not arrived.

**Article 125 (Kausler, I, cxxix). Regarding one who nominates a woman as his guarantor, and the woman is married, and whether this guarantee is valid or not.**

If a man appoints a woman as his guarantor, and the woman has a husband, know well that her husband can absolve her from the guarantee, so that she does not act as a guarantor if he so wishes. Nor can his wife respond to any charges for as long as he lives, unless it happens in the manner stated above. If, however, her spouse has his wife become a saleswoman, so that she buys and sells, then the law decrees that he is obliged to absolve himself of everything entrusted to her and debited to her, for this is what is right and lawful according to the assizes of Jerusalem.

**Article 126 (Kausler, I, cxxx). Regarding a man who marries a widow who happens to be in debt, and who should pay the debt.**

Know well that should it come happen that a man marries a widow who is in debt on her own account, or on account of her former husband who is deceased, the man who

288. Kausler, I, 147-148, cxxviii has '... a woman who has a husband who is not resident in town'.

289. The Greek text wrongly has 'to claim'. See Kausler, I, 147, cxxviii.

290. The Greek text omits the negative. See Kausler, I, 148, cxxviii.



marries the widow is legally obliged to repay everything which she owes on her own account, or on account of her deceased spouse. Likewise if a woman is married to a man who owes a debt, either on his own account or on account of his deceased wife, or for the woman he has now married,<sup>291</sup> then she<sup>292</sup> is obliged to repay this debt, provided that she has the wherewithal, by law and according to the assizes of Jerusalem.

**Article 127 (Kausler, I, cxxxi). Regarding one who dishonours a virgin, that is to say who deflowers her, either with her consent or forcibly, without the knowledge of her parents or of those entrusted with her care, and what they should lawfully do to the person who has done this.**

Should it happen that a man forcibly seizes a virgin and deflowers her, or even does this with her consent, or on account of her naivety, against the wishes of her father and mother, or of those who have her in their care, the law decrees that if the father, or the mother, or the relatives of the virgin, or those who have her in their care, wish to show clemency towards the person who has deflowered her, and he is a man of such quality as becomes her, then he should take her as his wedded wife. Should they not wish this to happen, then he, whoever he be, whether a young man, or in a position of authority, and should he be such a man as has some property, should have her become a nun, and should pay for everything which the nunnery might ask in order to have her clothed and taken in. He then remains at the mercy of God and of the lord of the country, who is to mete out such justice upon him as he would upon one exercising violence in the land of another.

If all these things are not pleasing to the parents of the young girl, or should it happen that the man has no wherewithal of his own, or cannot pay everything as stated above, or is not such a man as is becoming to her, that is to say he is beneath her and from a bad background, then it is lawfully decreed and proper that this man, whether he be a knight, or a burgess, should have his penis cut off along with all its associate parts. He should, moreover, be banished from the country in which he committed this crime for a year and a day, while everything that he has is at the mercy of God and of the lord of that country, by law and according to the assizes. But this proviso is also included in this matter, that if the person who is accused of this deed, that is of this crime, should say 'God forbid! for I never did this!' while the young girl says 'But you did!', then he should not be convicted on these grounds alone. For two good and reliable witnesses are required, who must have seen the man make love to the young girl, and they should swear to this on the Gospels, and then only should he be lawfully held in custody. If the two witnesses as stated are not available to offer testimony that they saw him enter the house, then he must be dealt with as follows: He should be placed in the custody of the bishop of the city, that is of the church, for a year and a day, in case within this period of time the crime becomes known through someone else's confession, or if he himself confesses to the crime. If nothing is con-

291. Kausler, I, 149, cxxx *om.* 'or for ... married'.

292. The Greek text wrongly has 'he'. See Kausler, I, 149, cxxx.

fessed within this period of a year and a day, he should be released from custody, and he should swear upon the Gospels that he did not commit this crime, that is of deflowering the virgin. Following this he should be acquitted, if no other proof is forthcoming, by law and according to the assizes.

**Article 128 (Kausler, I, cxxxii). Regarding one who (allegedly) deflowers a virgin and wishes to undergo trial by ordeal, because he has not done this, and what law should be applied regarding this trial by ordeal towards the person who is unscathed, and towards the person who is not unscathed from the ordeal.<sup>293</sup>**

Likewise, if it happens that a man deflowers a virgin and cannot be convicted by such testimonies as the law and the assizes established above in the other judgement, and the accused involved in this while in gaol declares or has it declared before the viscount and the court, that is the assessors, that he wishes to undergo the trial called *juise* in French (trial by ordeal), [to prove] that he did not commit such a crime against the young girl, the law decrees that he should lawfully undergo trial by ordeal, since he asked for this himself, and following this the court should not allow him to turn back, if he changes his mind. Should he, moreover, be acquitted in the trial, then by law he should be absolved of this crime, for no man can say anything over the oath and the testimony of God. If, however, he is not<sup>294</sup> acquitted in this trial, he should then be judged in the manner described above in the foregoing judgement, for this is what is right and lawful according to the assizes.

**Article 129 (Kausler, I, cxxxiii). Regarding claims, on what grounds an advocate is required, and on what grounds he is not required.**

If it happens that one person lodges a claim against another, the law decrees that he must have an advocate who should state the law to both sides simultaneously. And this is why an advocate is necessary, for if it happens that the advocate makes a statement which he should not have made on behalf of the person whom he is speaking for, the person for whom he speaks<sup>295</sup> and his counsel can easily put him right before judgement is pronounced. But if it happens that the person bringing the charges makes a statement that then causes him damage, he cannot retract it once he has stated it, should he as plaintiff perhaps wish this, because the defendant and his counsel have heard it. For this reason it has been ordained in the court of burgesses that no person may bring forward charges without an advocate, nor in the High Court without the counsel of the knights, for it is with this counsel that he can have his case demonstrated, for this is what is right and lawful according to the assizes.

293. The ordeal referred to here is ordeal by fire, whereby the accused had to walk several paces on hot ploughshares or carrying a hot iron. See Bartlett, *Trial by Fire and Water*, pp. 13-33 for its application throughout Latin Europe from 800 to 1200.

294. The Greek text omits the negative. See Kausler, I, 152, cxxxii.

295. The Greek text omits 'the person for whom he speaks'. See Kausler, I, 152-153, cxxxiii.

**Article 130 (Kausler, I, cxxxiv-cxxxv).** In this law we shall now explain to you the law and the rights of witnesses whom people employ in all their claims, and from here onwards the text is in Latin.<sup>296</sup> [Here it is stated] who should offer testimony in court for another person, and what kind of person is unable by law to offer testimony in court.

Such persons and witnesses are well able to offer testimony, inasmuch as they be trustworthy and righteous persons who have reached their majority. But know well that a dependent person under the authority of his father, and persons who have been involved in infamy, that is to say who are of ill repute, cannot offer testimony in court on behalf of any person, and should they wish to do so they must be neither listened to nor believed. But two trustworthy persons are well and lawfully able to offer testimony in any court and on any issue. Furthermore, one surviving person is well able to offer testimony in court on his own account and on that of the deceased, by law and in accordance with the assizes of the country, on condition that the person so wishing to offer testimony on his own account and on that of the deceased be a person of good repute, and that he be attested as a trustworthy person. Should he be such a person, he can bring forward and offer testimony on his own account and on that of a deceased person, and this testimony should be lawfully valid. As regards offering testimony, none should be coerced into offering testimony in court over any issue, if they do not wish to. Know well that my father and my brothers and my son in law are well able to offer testimony on my account in court, if need arises, provided that they swear upon the Gospels that they are not party to the issue over which they wish to offer testimony, for it is better that they as opposed to strangers assist me in obtaining justice.

**Article 131 (Kausler, I, cxxxvi).** Regarding a person who wishes to offer testimony for gain, and what law should be applied to the person doing so.

Should it happen that a person wishes to offer testimony for somebody else, and is involved in the issue over which he wishes to offer his testimony, or if he offers false testimony for something which he will acquire, or if he does this for the love of the person whom he wishes to win the claim, the law decrees that the assessors should not lawfully accept such persons as witnesses. Should it have happened in the process of law that they offered the testimony, without the assessors knowing of this subterfuge, and that the witnesses had an interest in the matter, or if they offered false testimony on account of some sum of money which they took, the law decrees that the person wrongfully bringing forward such witnesses against the other party should lose his case, and that the other party should lawfully win it. Those witnesses, moreover, who were false should have their palms branded with a red-hot iron in recognition of the false oath they had given when offering testimony. For he who offers false testimony thereby denies God and should have his palms branded for this very reason, as stated above. And such persons should lose the right to be heard in court, and in no manner should they be believed any more in any testimony that they might

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296. For the Latin text see Kausler, I, 153-154, cxxxiv.

offer over any issue. And the person who has brought such false witnesses forward should be compelled to offer such a fine to the ruler as would a person caught in an act of falsehood, for he has been faithless to his own self and has denied God through the two persons who offered false testimony on his account, for it is neither right, nor lawful, nor is it decreed by law that any person who has an interest in the case, or has an interest in the matter claimed, or who receives something in order to offer false testimony, should be believed in court, by law.

**Article 132 (Kausler, I, cxxxvii). Likewise as regards the above matter.**

Know well that if it happens that a Latin wishes to bring testimony against a Syrian, he cannot do so, nor should the court receive it, that is to say lawfully accept it. Nor should it, in instances where a Syrian wishes to offer testimony against a Latin, believe him over any legal matter. Should it happen, moreover, that a Syrian, or a Jacobite, or a Nestorian, or a Greek, or someone of another creed, commits a transgression in front of the viscount, or in front of the assessors, witnesses can indeed be summoned from among them. For the Latins are assessors against the Syrians, against the Muslims, and against all the other creeds. Let it, moreover, be well understood that no woman can offer testimony in court against any man, or over any issue.

**Article 133 (Kausler, I, cxxxviii). Regarding a witness wishing to offer testimony against a woman, and whether trial by battle or not is required over such testimony.**

Should a person wish to offer testimony in court against a woman, the law decrees that this can well take place, and should be valid. But trial by battle is necessary if the issue exceeds one silver mark, for the man or woman against whom witnesses are summoned can challenge one of them to a duel, and the victor shall lawfully win the case. But know well that two assessors can well offer testimony over anything said or done in their presence in court, without any trial by battle taking place.

**Article 134 (Kausler, I, cxxxix). Regarding the viscount and his mediators, when these are the sergeants who collect taxes, when they wish to offer testimony in court, if it is valid or not.<sup>297</sup>**

If it happens that the viscount or his sergeants wish to offer testimony in court against someone, they cannot do so, nor is it to be believed, neither as regards him or his sergeants, as is shown in the following example. First Peter comes forward and summons Martin to appear before the viscount, following which Martin turns and has Peter summoned before the viscount. Peter states that he was first in issuing a summons. The viscount states that Martin was first in issuing a summons and his mediators likewise offer testimony that Martin issued a summons first. The law decrees that neither the viscount nor his mediators are to be trusted as regards their testimony, neither in this matter nor in any other, by law and according to the Assizes of the Kingdom of Jerusalem. But if either of these two can prove with two other witnesses,

<sup>297</sup>. Kausler, I, 158-159, cxxxix has '... and it should not be valid'.

other than the viscount and his mediators, that he was the first to issue a summons, then by law he should have priority over the person or persons whom he had summoned.

**Article 135 (Kausler, I, cxl). Regarding written testimony, which testimony is valid, and which forms of written testimony are not valid.**

If it happens that a man or a woman brings written testimony before the court, neither the assessors nor the court should accept it, nor should they listen to it, nor believe it by law, unless it bears a seal embossed with the emblem of the lord of the city or of some other place, for then it should be kept and believed. But should it happen that a man or a woman arriving from Acre bring a letter to the *bailli* of Jaffa in Jerusalem, and said 'Take it my lords, for the letter has been sent by the viscount and assessors of Acre, and he directs you to believe what it states', and should the letter state that the viscount and assessors of Acre offer testimony for Martin, or for John, that Gerard acknowledged before them that he owed him 100 bezants, or more or less than this, this testimony is of no value, nor should the letter be believed, for neither this nor any other written testimony should be believed in court, if it is not a privilege as described above.

**Article 136 (Kausler, I, cxli). Regarding charters, which charter is valid and which charter is not valid.**

If a sale of land, vineyards, or houses takes place in court in the presence of the viscount and the assessors, or if peace was concluded over some quarrel or murder, and a charter over this was drawn up before the viscount and then a quarrel arises over this,<sup>298</sup> should it be said that the charter over this matter did not take place in court, the law decrees that every issue which is declared in the charter to have taken place before the viscount and the assessors should be considered valid. This applies to everything declared in the charter, whether in the script of the court secretary or of another secretary of the city. This written document is valid according to the law and the assizes.

**Article 137 (Kausler, I, cxlii). Regarding the charters of the persons belonging to communes**

Should it come about that one person who is a member of a commune lends marks to another who needs to have them on credit, or lends him anything else, and for this credit they arrange for a notarial document to be drawn up, written by the hand of a notary and witnessed by other men, the law decrees that such a document should be valid between them, and should have the same validity as a sealed and embossed document. The consul of the commune, moreover, is obliged to compel the debtor to offer payment or to return to the creditor everything specified in the charter, according to the law and the assizes. In the royal court, however, no judgement should or

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298. The Greek text preceding the note is corrupt, and I have followed Kausler, I, 160, cxli.

must be given over any matter mentioned in any such charter, unless it happens to be in the form stated above.

**Article 138 (Kausler, I, cxliii). Regarding a charter which has not been witnessed, and whether it is valid or not.**

Should it happen that a person summons another man before his consul, or a woman over some article which he declares to be owed to him, declaring before the consul that he has a charter which does not contain the name of any witness, either living or deceased, and the other party refuses to give what is asked for, the law decrees that the person producing the document forfeits everything he has demanded, for no written document is valid without the names of witnesses. Nor is the viscount or the assessors then obliged to ask the consul to have payment made of whatever is stated in the charter to the man or woman who seeks justice, for no one should forward a request on the basis of a false charter.

**Article 139 (Kausler, I, cxliv). Regarding the cases that can be brought before the courts of the communes, and those that should not be tried in other than the royal court.**

Know well that no commune, whether it happens to be Genoese, Venetian or Pisan is entitled to have a court within its confines. As for their members, only in such instances where they have a dispute between themselves, as over a sale or a purchase, or over other issues or contracts which they conclude among themselves, are their consuls well able to fine them over something done in breach of the rules, and put them in their gaols. But know well that no commune has a court for cases involving bloodshed, that is over open wounds, murder, theft, conspiracy, or heresy, as would concern heretics or *paterini*.<sup>299</sup> Nor indeed for cases involving the buying or selling of land, vineyards or gardens, or of villages, for all these things must be judged, concluded and sold in the royal court, and can take place in no other assembly, neither by law, nor according to the assizes of Jerusalem. Should any court of the communes have passed judgement, or caused any such judgement to be passed over any of the issues that are proscribed, such judgements should be considered invalid, according to the law and the assizes, and they should be completely nullified by the royal court.

**Article 140 (Kausler, I, cxlv). Regarding one wishing to offer testimony before the court and who happens to be wounded, or over sixty years of age, and whether he can be substituted [in trial by battle] and can nominate another in his place.**

If it happens that a person comes to court wishing to offer testimony on behalf of some man or woman, and he happens to be wounded, or over sixty years of age, the

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299. For an account of this dualist heresy see M. Lambert, *The Cathars* (Oxford, 1998), and esp. pp. 38-39, 305 and 308. One notes that in 1360 King Peter I of Cyprus granted the Venetians a privilege whereby the exclusive jurisdiction of the royal courts to try criminal charges brought against Venetian citizens or subjects was partially waived, so that the *bailli* could only proceed against them with the king's permission, with penalties also being subject to the king's personal discretion. See L. de Mas Latrie, *Histoire de l'île de Chypre sous le règne des princes de la maison de Lusignan*, 3 vols. (Paris, 1852-1861), II, 230-232.



law decrees that such persons are well able to offer testimony in court over any issue. Should it, moreover, happen that someone asks for trial by battle, the law decrees that he can easily be substituted by another person who should fight in his place, for this is right and lawful in accordance with the assizes.

**Article 141 (Kausler, I, cxlvi). Regarding a wounded man who has been challenged to a duel.<sup>300</sup>**

If it happens that a man has been accused of murder and he is a wounded man, the law decrees that he can be substituted with a fit man who should fight in his place. If his champion is defeated, then the person hiring this champion should be hanged, according to the law and the assizes, and all that he has should go to the lord of the country, according to the law and the assizes.

**Article 142 (Kausler, I, cxlvii). Regarding articles owed by the living to the dead, and which they refuse on demand to hand over.**

Should it happen that a man or a woman has died, and that some other person owes them something which he refuses to hand over on being asked to do so by the relatives of the deceased, and the person asking for the article has two witnesses to vouch for him, the law decrees that he should win the case. But there is a proviso, namely that the person disputing the testimony of the witnesses can, if he wishes, challenge one of them to a duel, if the issue involves a sum of one silver mark or more. Whoever wins the duel, moreover, should lawfully win the case. But should it happen that the person asking for the article of the deceased does not have two witnesses prepared to offer testimony as such, the law decrees that he or she from whom the debt is sought should swear upon the Gospels that they never owed anything to the deceased, and on doing so they should be lawfully acquitted.

**Article 143 (Kausler, I, cxlviii). Regarding persons who should not be summoned as witnesses.**

Should it happen by some chance that any person who has lost the right to be heard in court on account of some transgression he committed, as has been established above regarding the grounds on which he should lose this right, the law decrees that he should not be included as a witness in court. Nor should a woman who has lost this right be included as such. For since he cannot challenge a person to a duel, for the same reason he cannot ever offer testimony.

**Article 144 (Kausler, I, cxlix). Regarding clergymen, who are called men of religion, and their testimony, as well as that of the priests and of the clerks, when it is valid and when it is not valid.**

Should it happen that a clergyman, a so-called man of religion, comes to court and wishes to offer testimony, he cannot do so, nor should the court give him a hearing,

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300. Kausler, I, 164, cxlvi has 'Here you shall hear the law on that man who is wounded, and who is accused of murder'.

nor accept such persons against any lay person, neither priests nor clerks. If however it happened that a lay person fell ill and had his will drawn up in front of the awe-inspiring body and blood of Our Lord Jesus Christ, and in front of the priest and the deacon as well as other persons, in such cases the priests and clerks are well able to offer testimony along with two private persons, that is to say simultaneously with lay persons. This applies, moreover, to moveable property, and not to other things, for if the article derives from a legacy, such as houses, fields, vineyards, pastures or villages, then the priests and clerks cannot offer testimony over such articles of immovable property, and trial by battle is required. And know well that secular witnesses are required over all matters brought before the secular courts. And if the case concerned amounts to one silver mark or more, then trial by battle is involved, if the person accused by the witnesses so wishes, for he can challenge one of them to a judicial duel, according to the law and the assizes of Jerusalem.

**Article 145 (Kausler, I, cl). Regarding the summonses brought forward by people mutually, as in the cases of the boundary walls of houses, or over rents due.**

Here follows the Latin legal text.<sup>301</sup>

**Article 146 (Kausler, I, cli). Regarding two burgesses who have some dispute over a house, regarding which the viscount and the assessors are obliged to go and examine the dispute, by law and according to the assizes.**

If it happens that two persons have a dispute between themselves, as over a common boundary wall, or the dividing line between two houses, or over a stone bench in front of the house, and a summons over this is brought before the court, the law decrees that the viscount should send the assessors to go and examine the place over which there is contention. They are obliged, moreover, to go there with the inhabitants of both houses, and according to what they see and find out over how the issue appears they must then pass judgement and reconcile them, and the verdict of the assessors must be valid for evermore, the viscount being obliged to ensure that both parties adhere to it. But if it happens that the assessors are unable to agree, on account of not seeing anything on the wall over which to dispense justice, the law decrees that henceforth the two burgesses must appear before the viscount and the assessors, with each stating his case according to his viewpoint, and the issue over which the summons has taken place must be conceded to whoever the assessors recognise as having greater justification, for this is what is lawful in the perception of the court.

**Article 147 (Kausler, I, clii). Regarding one who places his beam inside the wall of another, and what law must be applied.**

Know well that if a person has a house of his own with all its walls, and it happens that one of his neighbours covertly places a beam inside his wall in such a manner that the owner of the wall cannot see it, the law decrees that the person who has covertly placed the beam inside the other wall, he loses nothing in court if it happens

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301. For the Latin (and in part French) text see Kausler, I, 167, cl.

that his beam remains lodged inside the wall for over one year and a day, for this was a covered possession since no one was able to see it.<sup>302</sup> And he is obliged to remove the beam at once from the other person's wall as soon as he tells him to, or if the court orders him to do so. Should he be summoned to court, he is obliged to reach an accommodation with the owner of the wall so that the latter will allow the beam to remain in his wall. If he is unable to do this, he is obliged to remove the beam on condition that the owner of the wall<sup>303</sup> swears upon the Gospels that either he learnt about this within a year and a day, or was told about it, or removed it, or commanded him to remove it, or else summoned him to court. He (i.e. whoever placed the beam) is then obliged to remove it or do whatever he wants, by law and according to the assizes.<sup>304</sup>

**Article 148 (Kausler, I, cliii). Regarding abandoned land, the so-called *gastine*, which formerly had houses on it and on which a person now wishes to build, and what law he should have.**<sup>305</sup>

If I have some abandoned land of my own, upon which there used to be houses, and I to whom the land belongs wish to rebuild my houses, and someone prevents me from placing my beams upon the wall which is between me and my neighbour, or prohibits me to rest my arches upon this wall, on which are still clearly discernible the outlines of the arches and the windows that used to exist on the wall, which faces my side. Because it is thereby obvious, moreover, I wish to make use of half the wall, and the other party comes forward declaring 'God forbid! that you had anything that ever leant against this wall, for there has been no house upon your land for twenty years or more, nor indeed did I ever buy this house of mine upon your land, nor was there any house built on it, and so I will not let you rest anything upon them, for these walls are all mine, unless the court does not recognise this'.

And so the two parties come to court and state their case. The law decrees that the assessors should go to the place and examine things on the spot. If the outlines on the wall support the claims of the person wishing to build, then he is entitled to load up his materials and build his houses by law and in accordance with the assizes. For even if there have been no houses on his land for a long period of time, neither he nor his heirs lose their rights, which they had previously and still have on account of this, or which the people from whom they bought it had. If, however, the assessors find that there are no discernible marks to show that his arches or houses were once leaning on this wall, then by law he is not entitled to begin any construction, except with the permission of the person owning the wall, and not otherwise, according to the law and the assizes.

302. The last part of this sentence (for ... see it) is corrupted in the Greek text. See Kausler, I, 169, clii.

303. The Greek text wrongly has 'beam'. See Kausler, I, 169, clii.

304. The Assizes differ here from Roman law. *Justinian's Institutes* 2.1.29 state that no-one is compelled to remove the beam of another set into his house, but that he should pay the owner double the beam's value.

305. Kausler, I, 170-171 has '... what law should be applied'.

**Article 149 (Kausler, I, cliv). Regarding the damages incurred by a man or woman outside the walls of their house, what law must be applied.**

Should it happen by some chance that a burgess, male or female, places some article outside the walls of their house, either upon a stool, or on a hanger, and it comes about that a man carrying a load of wood, or some other load, or a camel or mule, or some other loaded animal passes by and destroys whatever the burgess, man or woman, has placed outside their house, justice and the law decree that none have a claim, nor should they compensate them for this damage by law, because none have anything outside the walls of their house.

If, however, it so happened that some person wilfully pushed the loaded animal, or the man carrying a load, then the person springing on the male or female burgess, or some other person, is obliged to make good all the damages caused. And it is lawful that should the beast be wounded, or crushed, or should it have its load broken, that he fully makes good the damages incurred. And should the unfortunate man whom he threw to the ground by pushing him be wounded, he is obliged to have him treated and must give him means of sustenance until he is recovers to the condition he was in when he had been thrown. If indeed he hated this person and had lain in wait in order to harm him, and so pushed him, causing him permanent injury, the law decrees that the person doing this, should he be caught, should have his fist cut off, and thereby be lawfully acquitted from his misdeed.

Since<sup>306</sup> you have heard the law on other judgements, it is lawful for you to know that which the law and the assizes decree as regards marriages, namely which marriages are valid, which marriages are not valid, and nor should they be held together, neither by knights, nor by burgesses and liege-men. For the same laws should govern marriages between burgesses as between knights. Had such laws not been established then there would be neither laws nor assizes.<sup>307</sup>

**Article 150 (Kausler, I, clv). Here are given the beginnings of several judgements.**

The whole chapter on laws is written in Latin, and it is expounded below in each chapter.<sup>308</sup>

**Article 151 (Kausler, I, clvi). Regarding how old a man and a woman should be before they get married in the holy church of Our Lord.**

Know well, and let all persons know well, both men and women, that a good wedding ...<sup>309</sup> their children, and so it is achieved as has been explained above, and likewise this is what it says in the law, that if Adam were still living as a person and

306. This passage forms the chapter heading of Kausler, I, 173-174, clv.

307. Kausler, I, 173, clv *add.* 'nor justice regarding marriage'.

308. For the Latin text see Kausler, I, 173-174, clv.

309. The Greek text omits the next 19 lines of the French text, for which see Kausler, I, 174-175, clvi.

were widowed, he could not have legally taken [a woman for a wife],<sup>310</sup> for we are all sons and daughters of Adam and of his wife Eve, since he was our original father and she our original mother. The law and the assizes decree and properly state that a marriage must be so well founded that no separation will take place for as long as the couple live, for this is what the saintly apostle Paul states: 'A woman has no authority over her own body, but only her husband. Likewise a man has no authority over his body, but only his wife'.

**Article 152 (Kausler, I, clvii). The grounds on which a married couple that has not<sup>311</sup> been joined properly can separate.**

If it happens that a man under the age of thirteen takes a wife, and similarly if both man and wife are under thirteen, as explained above, the law decrees that this married couple should lawfully separate, without liability, that is punishment, and without sin, if both parties so wish, or if only one party so wishes. And if the priest who married them knew that they were under the legal age, and married them in secret either through malice, or because they pleaded with him, or because they had bribed him, the law and the assizes decree that he should not celebrate the divine offices until the couple which he has married reach their majority, because as stated above he married them wrongfully. And he should seek absolution from the pope, for this is what is lawful and laid down. If the marriage has been consummated and the groom has slept with the bride, then this couple cannot be lawfully separated. This similarly applies even if both parties should wish it, but have no other valid reason, such as being closely related.

**Article 153 (Kausler, I, clviii). Regarding one who marries a woman closely related to him, and regarding the priest who blessed their marriage and those present, and what punishment they should receive.**

If it happens that a certain man, whether a knight, or a burgess, or some other such man, whether he be exalted or humble, marries his cousin, who is related to him to the third or fourth degree, the law and justice decree that the marriage should be dissolved in the following manner. The man and woman should both enter a monastery, and anything they might possess, such as fiefs, or fields, or villages, belonging to either the man or the woman, and regardless of whether service is owed upon the fief or not, should all go by law to the lord of the country. And if children had issued forth from the marriage while the two had been together, either through force or because the church and the ruler tolerated it, justice and the law decree that those children have no rights of inheritance, and can neither inherit anything nor receive any of the goods which had belonged to their father or mother, according to the law and the assizes, but all should belong to the ruler of the country.

310. Kausler, I, 175, clvi *add.* words in brackets.

311. The Greek text omits the negative. See Kausler, I, 176-177, clvii.

Furthermore, the priest who blessed their marriage and knew that they were related should be debarred from holding office for life.<sup>312</sup> This applies likewise to the clerk, if he knew this, and all men and women present at the wedding and who knew of their kinship are excommunicated, and should not partake of the benefits of the holy church, nor should they enter the holy church until they receive forgiveness for the illegality and transgression committed from the bishop of the town, or the patriarch. But should it happen that the man or woman related in this manner and wedded to one another, as stated above, had another close relative, either on the side of the woman or on that of the man, from whom the fief derived, who is such a person as has behaved righteously in the eyes of the king, or towards the ruler of the country, and has reached the legal age in which to deserve what is held by his relative, and which the king with his lords have lawfully sequestrated, then the king, or the ruler of the country or the queen are obliged by law to transfer to him what his relatives could no longer lawfully possess or inherit. And if perhaps the man or woman so entitled to the fief did not come forward to ask for it within a year and a day, from the date when the king or queen sequestrated that fief, or that village, the king is no longer obliged to transfer that which he has sequestrated to this person, according to the law and the assizes, because a year and a day have gone by, and so it all belongs to the lord of the country. If no heirs are present in the manner described above, the law and what is laid down decree that the property should go to the ruler of the country, for he is the rightful heir of this unlawful act and of this transgression, and of this injustice which has taken place against the Lord God and in violation of the good customs of the kingdom of Jerusalem, which were established by the noble, virtuous and good kings who preceded our time.

Should the transgressors not wish to enter the church, and to become monks or friars, as the Latins call them,<sup>313</sup> but have left the country and gone into exile, the assizes decree that all their goods should lawfully belong to the ruler of the country. Furthermore, if the priest blessing their marriage did not know that they were related, nor had been told by anyone not to bless their union, the law decrees that he should suffer no punishment on account of that wedding over which he knew nothing (this law must also apply to those who were present at the wedding and did not know that they were related), nor should they be placed under interdict.

**Article 154 (Kausler, I, clix).** Regarding how a woman<sup>314</sup> should become engaged and blessed in the holy church of Our Lord, which marriage is permissible, and what penalty or damages are payable to the church by the party, man or woman, responsible for a marriage is prevented from taking place.

If it happens that a man wishes to marry a woman, whoever he be, knight or burgess, the law decrees that the holy church of Our Lord should not bless them, unless they

312. Schabel, *Synodicum Nicosiense*, p. 99 XVI, p. 137 [c], p. 157 [18] and pp. 199-200 IX state that such priests were to be excommunicated and be perpetually incarcerated, and that the parties to the marriage were to be excommunicated.

313. Kausler, I, 179, clviii *om.* 'and to become monks ... as the Latins call them'.

314. Kausler, I, 179-180, clix *om.* 'a woman'.



be engaged in it in such a manner, whereby the man wishing to marry a woman should swear upon the Gospels that he has no living woman either married or engaged to him, nor any commitment which prevents him from lawfully and properly becoming engaged to the woman whom he presently wishes to marry. Both parties must swear this oath. Likewise two persons must take an oath on his behalf in the manner described above, and two women must similarly take the same oath on behalf of the other party. This is what must take place, and the engagement becomes acceptable in this manner.<sup>315</sup> And then the church must be given notice as to when the marriage will take place, and why, one may ask. Because within this period of time the banns should be proclaimed for three days running, during the first mass,<sup>316</sup> and the priest should declare as follows: 'Lords and ladies, I make known unto you, that in the holy church of God the following man intends to marry the following woman on the following day, and should it happen that any man or woman knows of anything that impedes the said marriage which needs to be said, let him come forward and declare it before they become engaged'. If no-one comes forward within this period of time, that is within the three days,<sup>317</sup> then if anybody who happens to be in town should say anything to prevent the wedding from taking place he should no longer be believed, as he did not say it within the period of time, within the deadline, prior to the marriage. And such a marriage is lawfully acknowledged, on condition that they are not closely related, as stated above. This is what is lawful and just, according to the assizes of Jerusalem.

**Article 155 (Kausler, I, clx). Regarding the dues payable over engagements that are subsequently broken.**

If, as has been explained above, it comes about that a man becomes engaged to a woman, and both parties have placed deposits in money to guarantee the engagement, and then one of the parties changes its mind over the performance of the marriage, the law decrees that either party, man or woman, is well able to change its mind, provided that he or she who has changed their mind pays the guarantee deposited.<sup>318</sup> Following this the party is absolved according to the law and the assizes, and the man may take another wife, or the woman another husband, without either party being under obligation to the other as regards this betrothal, that is to say engagement.

315. C. Tornarites (*To Χάρτωμαν στις Ασσίξεις της Κύπρου*, Nicosia, 1978, p.16 and note 33, pp. 17 and 20) draws attention to the fact the Assizes recognize the existence of betrothals done by written contract, in accordance with Roman law, and those done in accordance with the requirements of canon law. The laws applied in the Greek ecclesiastical courts also recognized both forms of betrothal. See Sathas, 'Ελληνικοί νόμοι', p. 524.

316. Schabel, *Synodicum Nicosiense*, pp. 199-200 IX states that the banns were to be proclaimed on three successive Sundays.

317. The laws applied in the Greek ecclesiastical courts specified that when the time of the marriage had not been predetermined it should take place within two or three years after the betrothals. This could be extended to four years if one of the parties had some impediment, such as sickness, exile or residence in a far-off land. See Sathas, 'Ελληνικοί νόμοι', p. 525; Tornarites, *To Χάρτωμαν*, p. 22 and note 47.

318. Schabel, *Synodicum Nicosiense*, pp. 168-171, XVII, pp. 176-179, [9] [14] and [15], and pp. 182-183 [19] refers to securities being demanded for contracting engagements, and to how on occasion the Latin clergy refused to return the securities to the parties concerned if they broke the engagement, or were not married within a prearranged time.

**Article 156 (Kausler, I, clxi). Regarding a man who has become engaged to a woman and no longer wishes to marry her, and whether he can take back something which he has given her or not.**

If it happens that a man becomes engaged to a woman and does not subsequently marry her, and has given her some things, the law decrees that he is well able to ask for the return of what he has sent her, and the woman is lawfully obliged to return them, if the man had no intention of becoming engaged at the time when he sent her what he wants back, and if he likewise had no intention of not becoming engaged. This is also lawful, namely that he can take back what he has given her, or what he arranged to be given to the woman he wished to be engaged to, in instances where the decision not to marry the woman was not at his instigation, nor at that of his family, but was at the instigation of the woman or of some member of her family. If, however, the decision not to marry the woman was at his instigation, the law decrees that he can no longer take back whatever he has lawfully given the woman, neither by law nor according to the assizes. And the same law which applies, as stated above, to whatever gift he has given her, likewise applies to whatever gift the woman might have given him, or which she might have had sent to the man who intended to become engaged to her and take her for his wife.<sup>319</sup>

**Article 157 (Kausler, I, clxii). Regarding a man who becomes engaged to a woman, or vice-versa, and what should happen to their property that remains with their relatives when one party predeceases the other before the wedding.**

If it happens that a man has become engaged to a woman and has given her or has arranged for her to be given some article, in the manner stated above, and it happens that one of the two dies before the other, that is before marriage, the law decrees that neither the [surviving] man, nor his relatives or heirs are able or entitled to demand back what has been given to the woman, nor can the woman do likewise in instances where the man has died first, other than one half of whatever had been given. If, however, he kissed her during the engagement, then none of the relatives can ask for anything, neither from the heirs of the deceased, nor from the party to whom the gift was given, nor even if the gift had been made prior to the engagement can anything be claimed, nor indeed do the relatives of the deceased have any claim on what was given, according to what is laid down and the Assizes of the Kingdom of Jerusalem.<sup>320</sup>

**Article 158 (Kausler, I, clxiii). Regarding a woman who gets married to another man within one year of her first husband's death.**

If it happens that a woman gets married to a man, who dies within a year of their marriage,<sup>321</sup> the law decrees that she should not get married to another man before a year

319. *Justinian's Institutes* 2.7.3 discuss gifts given before marriage, and with a view to marriage.

320. For the significance of the engagement kiss in precluding a return of gifts if the engagement was subsequently annulled, and for its antecedents in Roman and Byzantine law as opposed to canon law see Sathas, 'Ελληνικοί νόμοι', pp. 529; Zepos, 'Το δίκαιον εις τας Ελληνικάς Ασσίζας της Κύπρου', pp. 320-321; *idem.*, 'Το δίκαιον της Κύπρου επί Φραγκοκρατίας', p. 130, and Tornarites, *Το Χάρτωμαν*, pp. 23-24.

321. Kausler, I, 183-184, clxiii *om.* 'who dies ... their marriage'.

and a day have passed. Should she do so, that is get married to another man before a year and a day following the death of her first husband, the following punishment is decreed, that if some unrelated man has died and left her a legacy in his will, she is not entitled to have anything whether the deceased was a relative of hers or not. Nor should she have anything given to her by those who possess the personal effects of the deceased in their care or supervision. If she has taken anything, the law decrees that she is not entitled to keep it, but must by law return it to the heirs of the person who left it to her. Should she be unwilling to return it to the heirs of the deceased, the holy church of God or the royal court should by law make her return it.

**Article 159 (Kausler, I, clxiv-clxv). Regarding the alternative punishment due to a woman marrying another man before a year and a day have passes since the death of her first husband, or if she becomes pregnant within the time set above.**

Likewise if it happens that a woman who is widowed gets married to another man within a year and the day from the death of her first husband, the following punishment is ordained, that she should not receive anything which he has bequeathed to her on his death. If she has received it, she cannot keep it, and if someone else has kept it he is not obliged to give her anything, but is entitled to possess everything which has been left to her by the father or mother of the deceased, or by his sister, his nephews or nieces, or his male or female cousins to the first or second degree. If, moreover, the deceased man has no relative to such a degree of kinship, the law decrees that the whole legacy should devolve upon the ruler of the country, by the law whereby everything devolves upon him.

Likewise, the widowed woman who has taken another man within a year and a day of her first husband's death should suffer an additional punishment. She should obtain nothing from the increase in her dowry bequeathed to her by her deceased husband, or by somebody else on his behalf when he married her with the dowry she brought him, even if her husband had told her that she should receive it if he were to die before her. She should receive absolutely nothing, for this would be unlawful.

Likewise,<sup>322</sup> as regards a woman taking a husband before the proper time, an additional punishment has been decreed, this being that should some relative of hers die intestate, without drawing up a will, she neither can nor should obtain anything coming down to her through kinship, if she has taken a second husband before the time due. The following punishment must be suffered by a woman who has become pregnant within the same time limit following the death of her first husband, either through her [second] husband or through another man, for this is what is laid down according to justice, according to the law, and in accordance with the assizes of Jerusalem. She cannot lawfully make use of her dowry as follows, in selling her inheritance, or fields or vines, or any other portable textiles, nor assume authority over them as regards fixing their price. The law decrees, however, that she should enjoy the rents fetched by the properties and the movable furniture of the house, the baggage as it is called, of the deceased husband, or whatever he had brought into the

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322. This paragraph is a new chapter in Kausler. (Kausler, I, 185-186, clxv).

house on his own account. Everything that remains should go to the children or relatives of the deceased. Her dowry should be subtracted from these goods, and on taking it she should forthwith forfeit the right to take anything belonging to her first husband, on account of having taken a second husband sooner than she should have done.

**Article 160 (Kausler, I, clxvi). Regarding the son of the first husband who then dies, and whether he can leave any of his personal effects to his mother.**

If it happens that the son of the first husband dies and has drawn up his will, leaving something belonging to him to his mother, the law decrees that he is well able to do this, and the whole donation has the same validity as though he had given it to a stranger. If indeed she has taken another man, as has been stated above, the wishes of the deceased son can still be implemented, both where the son has drawn up a will for her, and otherwise so long as the gift is given to her in the presence of reliable witnesses. This, moreover, is proper and just according to the assizes, as well as according to what has been stated in the foregoing chapter, where it is explained that she cannot sell or mortgage the property of her first husband for her dowry, but can simply collect the rents. This is true in instances where the property derives from her deceased husband, but if these things derive from the wife, the law decrees that she can do as she pleases, and this is what is right and lawful according to the assizes.

**Article 161 (Kausler, I, clxvii). Regarding one who is obliged to pay the dowry of the deceased husband to his wife.**

If it happens that a couple is dissolved through the death of the husband, the law decrees that the heirs of the deceased or those holding his effects should return the wife's dowry. If, however, this dowry has been given to the father or mother of the deceased, or to any of his relatives,<sup>323</sup> it is right that those who have received the dowry should also return it. If they have died, then their heirs must return it, according to the portion received by each of them from the property of the deceased, for this is what is right and lawful according to the assizes.

**Article 162 (Kausler, I, clxviii). On what grounds a woman can ask for the return of her dowry, and how she should have it.<sup>324</sup>**

Know well that if it comes to pass that a married man starts gambling, or begins eating or drinking to excess and ruining all he has, and begins to suffer poverty on account of having ruined himself, the law decrees that his wife is well able to ask for her dowry back, and that the husband is lawfully obliged to place her dowry or the value thereof into the hands of prudent men, or into such a place as to assure its maintenance for the man or woman entitled to receive it, for this is what is right and lawful according to the assizes.<sup>325</sup>

323. The Greek text wrongly has 'guarantors'. See Kausler, I, 187, clxvii.

324. Kausler, I, 188, clxviii *add.* 'during the lifetime of her husband'.

325. For a comparison with Roman law see *Justinian's Institutes*, 2.8.

**Article 163 (Kausler, I, clxix). Regarding one who is unable to pay his wife's dowry, and whether he should suffer any harm.**

If it happens that a man is summoned to pay back his wife's dowry, and is so poor as to lack the wherewithal to return it, justice and the law decree that he or she who should return this dowry but lack the wherewithal to repay it should not be gaoled on account of this, nor fined. Instead, however, he should repay as much as he has, and as regards the outstanding sum he should swear upon the Gospels that he is prepared to repay as much as he earns, exercising economy in his expenses and lifestyle, and undertake not to leave the city without his creditor's permission, until such time as he repays him in full, after which he can be without a care, by law and in accordance with the assizes of Jerusalem.

**Article 164 (Kausler, I, clxx). Regarding the gifts given by a husband to his wife after their marriage, the gifts that are valid, and those that are not.**

Know well that no man can make a gift to his wife after he has married her, unless he does so on his deathbed or in his will. Should he do so in some other manner, the gift is not valid because the gift is hers in any case, as though it had never been given. The heirs of the deceased, moreover, can properly reclaim such gifts from all those having them in their possession, unless they have held such gifts for a year and a day. In such cases none can have them summoned, nor claim anything from them, nor, according to the law and the assizes, are they answerable to any heir who on that day happens to be of legal age.

**Article 165 (Kausler, I, clxxi). Regarding the gift which someone can make to his wife, and if it is legally valid.<sup>326</sup>**

In such instances it happens that a man is well able to make a gift to his wife, as when he has established on a regular basis that his wife should have one or two bezants<sup>327</sup> every month, or a mark of silver, or more or less than this for her sustenance, or for raising her children, or for her obedience. Then the law decrees that he is well able to make such a donation, and it should be considered valid.

[The remainder of this passage is missing]<sup>328</sup>

**Article 166 (Kausler, I, clxxii). Regarding the number of times a couple can be separated following their marriage, that is following its consummation.**

[There follows a blank page]<sup>329</sup>

326. Kausler, I, 190, clxxi has '... and which should be valid by law'.

327. The Greek text omits 'bezants'. See Kausler, I, 190, clxxi.

328. Kausler, I, 190, clxxi *add.* 'and the wife should have this in the manner her husband has established, while those who have custody of her husband's possessions are obliged to give her what her husband used to give her for her maintenance and for her children. For this is right and lawful by the assizes of Jerusalem'.

329. For the French version of this law, see Kausler, I, 190-191, clxxii.

**Article 167 (Kausler, I, clxxiii). Regarding married couples which separate for some reason and for good cause.**

If it happens that a woman separates from her husband on account of any of the causes described above, the law decrees that her husband is obliged to give immediately to the nunnery that she intends to enter as much as she had given him as a dowry when they got married. Should it happen that the monastery does not receive her for this sum, he is obliged to give the balance for them to take her. Should he, moreover, not have the money to give her back as much as she had given him as a dowry, the law decrees that he is not obliged to give other than as much as he has, and no more, according to the law and the assizes.

**Article 168 (Kausler, I, clxxiv). Regarding married couples that separate and have children, who should take them into care and raise them.**

If it happens that a man has separated from his wife for some good reason, and that they have children, the law decrees that if the children are under four years old<sup>330</sup> the mother should raise them until they reach the age of seven, and that their father should give them part of his income so that they may obtain food, drink, clothing and shoes, and all their necessities. If the mother is sick with leprosy or with some other evil malady, the law decrees that she should not raise any of her children, but rather the father should raise them. For she could easily kill or maim one of her children, either on account of her malady, or because of the leprosy, which is highly contagious. If, however, she should suffer from none of the afflictions listed above, that is to say if she is neither leprous nor epileptic, then she is well able to raise them until they are seven years old, as is written above, together with the income support provided by the father, as best she can.

Afterwards, should the father wish to take the children into his care, and they are unwilling to go with their father, or should the mother be unwilling to hand them over because her former husband has taken another wife, or for some other good reason, the law decrees that the assessors should examine and listen to the respective cases of the mother and the father, and should leave the children there where they will be better taken care of, until they reach the age of twelve. At that point they have the authority to opt to stay either with their mother, or their father, or wherever else they wish, by law and according to the assizes.

**Article 169 (Kausler, I, clxxv). Regarding those children born out of wedlock, and what rights they have as regards the inheritance of their father, or of their mother, and over their effects.**

If it happens that a man maintains an unmarried woman in his house, and that he, likewise unmarried, has sexual intercourse with her and they have children, the law and the assizes quite rightly decree that he can bequeath property and his inheritance

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330. Kausler, I, 192-193, clxxiv has '... three years old'.



to such of his children both while he is living and following his death, given that he has no other legitimate children, nor a father or mother. But he cannot do this if he has other legitimate children, or a father or mother, should they not wish to accept this in good will. Should they, however, accept these illegitimate children in a spirit of brotherhood, following this each of them is well able to receive as much as the other brothers or sisters, by law and in accordance with the assizes.

**Article 170 (Kausler, I, clxxvi). This law is also written in Latin.<sup>331</sup>**

**Article 171 (Kausler, I, clxxvii). Regarding when couples are permitted to marry and from what time onwards they cannot marry, according to the law and the assizes.<sup>332</sup>**

Know well that within the seventy day period, that is from the Sunday of the Prodigal Son up until the Sunday of Doubting Thomas are the days within which marriage is not<sup>333</sup> permitted. Nor should anyone marry either during the days of the major litanies, nor during the days of the Supplication, that is when the devil is exorcised,<sup>334</sup> nor during the three weeks preceding the celebration of the birth of John the Baptist, nor during the birth of Our Lord Jesus Christ until eight days after Epiphany. Nor can any person get married or blessed on the eve of the various saints' days, because this is prohibited by law and by the holy canons of the church. Should it happen, moreover, that somebody gets married on the above-mentioned days, which have been prohibited<sup>335</sup> by law and by the holy church of God, the law decrees that this married couple is not recognised, nor are the children issuing from this marriage considered lawful heirs able to inherit whatever might come down to them. Indeed, the holy church of God is lawfully obliged to dissolve this marriage. For whereas people are well able to enter into engagements throughout all the days of the year, which should be considered valid, they should not complete their marriage vows on days other than those decreed permissible. Furthermore, according to the sacred customs it is forbidden for a man to take as his wife the woman whom he has received as his godfather from the font in church by way of christening, nor can his son marry the daughter of his<sup>336</sup> goddaughter if she was born after the mother had received baptism. But they are well able to marry lawfully, and in accordance with the holy Christian faith, those children born before their mother was baptised. Likewise it is prohibited for a marriage to take place between a Christian and a Muslim. For all people should know well that according to the holy assizes of Jerusalem the wife is entitled to one half of all the goods obtained by her spouse once he has married her, for this is laid down and lawful according to the assizes.

331. For the Latin text see Kausler, I, 194, clxxvi.

332. The Greek text omits the number of this article.

333. The Greek text omits the negative. See Kausler, I, 194, clxxvii.

334. Kausler, I, 194-195 *om.* 'that is ... exorcised'.

335. The Greek text omits 'which have been prohibited'. See Kausler, I, 195, clxxvii.

336. The Greek text wrongly has 'her'. See Kausler, I, 195, clxxvii.

**Article 172 (Kausler, I, clxxviii). Regarding married couples, and in which court a woman should have her husband summoned if he is at fault with her, or if he beats her.**

If it happens that a claim is brought forward in court, as when a wife has her husband summoned for beating her, or a husband his wife, in the royal court, the law decrees that this claim should not under any circumstances be granted a hearing, nor should it be judged by the royal court. The viscount and the assessors should have them sent instead to the holy church of God,<sup>337</sup> and it is obliged to admonish them and reconcile them. For if the husband summons the wife, or the wife the husband, before the royal court over a beating, and it happens that the husband wins the case against his own wife whom he had summoned, or the wife her husband, and she wins her claim, the vanquished party in these summons must pay the dues of the court. And how can a woman pay the dues of the court other than from the property of her husband? For she has nothing that does not belong to her husband, nor does he have anything that does not belong to his wife. For this reason neither the wife nor the husband cannot lose anything, for the damage will affect each party as much as the other, given that they hold all things in common. On account of this the law and the assizes have established that no summons forwarded by a wife against her husband, or by a husband against his wife, can be dealt with other than before the holy church of God, where it becomes an issue of compassion. For indeed no other court should involve itself in an issue involving a married couple, other than the holy church of God, unless it happens to be a summons for murder or conspiracy against the king. If the summons concerns such an issue, the law decrees that the case should indeed be brought before the royal court.

**Article 173 (Kausler, I, clxxix). Regarding one who takes a woman in marriage together with all her goods.**

If it happens that a man takes a woman in marriage with all her goods and rights, and after he has taken her some man or woman comes forward and lodges a claim against what he has received from her, or else lodges a protracted claim against what the woman has received from her husband, should it happen that the husband places the summons upon his wife, or the wife upon her husband, the law decrees that since one placed it upon the other neither party can recover anything nor put right what has taken place. Instead he or she should retain whatever has been acquired. For this is right and lawful according to the assizes, and so let whoever nominates his wife to conduct the course of a court case on his behalf be especially careful, and let him make sure that she does not state anything without his consent. For should she say something which is to his detriment then neither she nor her husband will be able to put right the damage caused by what she has said.<sup>338</sup>

337. Kausler, I, 196-197, clxxviii *add.* 'and there they can submit claims against one another'.

338. For the final sentence I have followed Kausler, I, 198, clxxix, for the corresponding Greek text is corrupt.

**Article 174 (Kausler, I, clxxx). Regarding those things that a husband and his wife acquire and construct together.**

If it happens that a man and his wife have acquired<sup>339</sup> vines, fields, houses, or orchards together, the law decrees that the wife is entitled to one half of all this, as do the assizes of the kingdom<sup>340</sup> of Jerusalem. Should, moreover, the wife and husband have children, they cannot allow what is due to the children to be sold, nor can they give it away to anyone else, should they wish to, nor can they squander it on food and drink for the remainder of their lives. Furthermore, should the husband die, he can bequeath his share to whomsoever he wishes, either to his children, or to someone else. And once the husband of the wife has died, the wife can dispose of her share as she wishes, for they had acquired it together. The law, however, decrees that so long as the husband is alive, the wife has no right to give her share to anyone, according to the law and the assizes. If indeed both the husband and the wife have died and left their houses to their children, if the latter are of age they can divide this inheritance, should they wish it, with each receiving his due. If they are not, however, of age, they can neither sell nor grant their inheritance to anybody. If, moreover, their father or their mother have left them moveable property, such as clothes, or coverings, or other fabrics, with one of the children being of age but not the others, the law decrees that the one who is of age is well able to take his share of the articles, and to do his will in full, but should place the remainder in care and save them for his remaining brothers and sisters who are under-age, for this is what is right and lawful.

**Article 175 (Kausler, I, clxxxi). Regarding wills and testaments. This declaration is in Latin, and the other chapter states it.**<sup>341</sup>

**Article 176 (Kausler, I, clxxxii). Regarding the last will and testament of a man or woman, when they are at the point of death, and how those whom they wish to summon so as to bequeath their possessions to them for the good of their souls should understand and listen attentively to their will.**<sup>342</sup>

If it happens, as is fated, that a person falls ill and makes his will over his own possessions, leaving Martin 100 bezants, or something else, and it happens that following his death his wife is unwilling to give what her husband has decreed, but completely denies it, and as witnesses Martin has the Body and Blood of Our Lord Jesus Christ together with the priest who administered communion to the deceased and confessed him, and two secular persons who are attested as being trustworthy, the law decrees that Martin should lawfully receive the 100 bezants, or even against the

339. The Greek text omits 'acquired'. See Kausler, I, 198-199, clxxx.

340. The Greek text wrongly has 'viscount'. See Kausler, I, 198-199, clxxx.

341. For the Latin text, see Kausler, I, 200-201, clxxxi.

342. Kausler, I, 201, clxxxii *add.* 'and how they are obliged by law and by the assizes to give that which they have been directed to give. For this is what the law states, that if a bequest is badly executed on someone's death by the person who has care of his effects, and who does not bequeath them as directed, then he will be accountable to God on the Day of Judgement'. For this is what the law of heaven states: 'For a strict judge should examine and judge all things strictly'.

wife's will, since the witnesses attested that the deceased had said so in front of them. This, moreover, is what is right and lawful with respect to both the wife and the relatives of the deceased, and with respect to all holding belongings of the deceased, without recourse to trial by battle. Should Martin, however, ask for a house left to him by the deceased in his will, the deceased's wife denying this, and should he have two reliable witnesses attesting that the deceased left him the house in their presence, the law decrees and judges that he should receive the house. But if the wife of the deceased so wishes, or else the person having the effects of the deceased in his care, the issue must lawfully be put to trial by battle, if the value of the house is in excess of one silver mark. For they can challenge or have challenged one of the witnesses to trial by battle, and the winner should lawfully acquire the contested article. As regards moveable property, however, there should be no resort to trial by battle to determine the will, for the priest, the clerk, and two secular persons suffice, in the manner stated above.

**Article 177 (Kausler, I, clxxxiii). Regarding one who dies intestate, and to whom his possessions should go, to his wife or to his relatives?**

Should it happen that a man has acquired bequests or other articles before taking a wife, and he then takes a wife, and it comes to pass by the will of God that he falls ill and then dies intestate, the law decrees and judges that everything in his possession should lawfully go to his wife, even if the deceased had a father, a mother, sons, brothers and sisters. For so says the law and the Assizes of the Kingdom of Jerusalem, that no person is a more genuine heir of the deceased than his wife blessed by marriage.<sup>343</sup>

**Article 178 (Kausler, I, clxxxiv). Regarding a woman who has predeceased her husband and to whom her share should be given, and as regards the respective legacies belonging to her and her husband.**

If it happens that a man and his wife have acquired, that is to say have jointly created heritable property, and they have children, should the wife predecease her husband by the will of Our Lord, the law decrees and judges that the portion of the wife goes to all her children in common. The father can neither annul nor reduce on any grounds what has been left to the children by their mother, other than on account of famine, that is because of a shortage of food and drink. On account of this he is well able to sell or mortgage the childrens' inheritance from their mother to buy food. The law, moreover, decrees that the children cannot remove their share from their father's share so long as he lives, unless the father himself should wish to accept this of his own free will.

**Article 179 (Kausler, I, clxxxv). Regarding cases which have been won in court, and which are again brought to court, what should be lawfully done.**

It may happen that a man or a woman possesses a legacy, and that some other man or woman goes to court over this legacy, claiming it to be theirs. He may, moreover,

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343. The Assizes here differ markedly from Roman law. *Justinian's Institutes* (2.19.2 and 3.1.1-8) make it clear that in cases of intestacy the immediate and compulsory heirs are the progeny of the deceased.

have some other claim and, once the case is brought to court, the following judgement is given, that the person possessing the legacy is entitled to have it. It subsequently happens that the man or woman who lost the court case dies, and following his death his children come forward and seek the same legacy once more from those in possession of it. The law decrees that the person in possession of the legacy is not obliged to offer any defence to the children of the man or woman from whom he had gained it, with the following proviso. He must prove that he had contested the case in court, and to the court's knowledge, from the father or mother of the present claimant, or else bring forward two trustworthy witnesses prepared to testify that he won it in court. In this manner he may remain untroubled, by law and in accordance with the Assizes of the Kingdom of Jerusalem.

**Article 180 (Kausler, I, clxxxvi). Regarding one who dies intestate and who has neither wife nor children, and whether his property should be given to the church or to the king.**

If it happens that a person dies intestate, as is often the case in accordance with the will of Our Lord, should the deceased have no father or mother, nor any other relative, male or female, the law decrees that everything should devolve upon the lord of the town,<sup>344</sup> by law. If, however, the deceased happened to be a clerk who had been ordained to some office,<sup>345</sup> or a woman who had been received into a religious commune,<sup>346</sup> or had taken a monastic habit, the law decrees that all that they have, if they have died intestate, should devolve upon the bishopric of the city (and diocese) in which they died, for this is what is right and lawful according to the assizes of Jerusalem.

**Article 181 (Kausler, I, clxxxvii). Regarding one who bequeaths through his will a part of the rights or the dues of his wife, and whether his act is valid or not.**

If it happens that a man who has fallen sick draws up his will in the presence of his wife, giving away one of her rights, and she suffers him to do this without saying anything, and it then happens that by the will of Our Lord the said husband dies, the law and judgement decree that the wife should not forfeit any of her rights on account of any donation made by her husband. For as his wife she was obliged not to do anything that could have made him angry whilst he was ill, for had she made him angry, causing him to die as a result, the blame for his death would have been placed on her because she had provoked his anger while he was lying down and unwell. Because of this, if she suffered him to give away any of her rights, the law decrees that she should not lose any of her rights on account of this. Should it have happened, however, that the wife consented in the presence of trustworthy witnesses to everything which her husband had given away, and which were hers by right, the law and its judgement decree that everything which has been given away should be recognised as a valid act, as if the whole donation had been given by the wife herself.

344. Kausler, I, 205, clxxxvi has 'land' instead of 'town'.

345. Kausler, I, 205, clxxxvi has 'order' instead of 'office'.

346. Kausler, I, 205, clxxxvi has 'order' instead of 'religious commune'.

**Article 182 (Kausler, I, clxxxviii). Regarding a deceased person who owes something to another man or woman, and who, following his death, is obliged to pay the debt that he owed.**

If it happens, as is customary, that by the will of God a man dies and leaves a wife behind him, and the deceased owes something to another man or woman, the law and judgement decree that the wife is obliged to repay this debt owed by her husband if she has the wherewithal. But should the wife lack the wherewithal to pay, the law decrees that the court should not have her imprisoned on account of this, nor should it impound her cloak, or her bed, or the clothing of her attire. The wife is obliged, however, to swear upon the Gospels that she will not leave the town without obtaining leave from her creditors,<sup>347</sup> or from the court. Know well, moreover, that should it happen that this woman marries another man, whoever marries her is obliged to repay all the debt she owes on behalf of her late husband, this being what is laid down and lawful according to the assizes of Jerusalem.

The husband is likewise obliged to repay the debts of his wife, if she had good cause to borrow the money, as when she did so to purchase food, or to pay the rent, or for her clothing, while her husband was away out of town, that is outside the city, or if he was ill, or in gaol. Should she have borrowed it, however, to give herself airs and graces, or in order to do some harm, then her husband is not obliged by law to repay anything, other than what he recognises as having benefited her out of this debt, and no more, should he not wish to, by law and according to the Assizes of the Kingdom of Jerusalem.

**Article 183 (Kausler, I, clxxxix). Regarding the donations a mother or father may leave to their children while still alive, or after their death.**

If it happens that a man or a woman die, and make a will bequeathing or leaving from what is theirs either a legacy, or movable textiles to their children, and should they leave a greater share to one child than to another, the law decrees that they are well able to do this and that it should be valid and inviolable, and lawful insofar as the legacy has been decreed and drawn up by the father or the mother. Within this framework, moreover, should they have wished it and given a bequest to any of their relatives, they are well able to make such donations as they please, to give more to one than to another, or even to give equal shares to all, that is as much to one as to the other.

**Article 184 (Kausler, I, cxc). Regarding those relatives who receive the property of the deceased, and what they are obliged by law, following this, to do for the deceased. This article likewise concerns their obligations in cases where the effects of the deceased received by the relatives are insufficient for meeting his liabilities, or what is needed to remove them.**

If it happens that a person has died, either after having made a will or intestate, and a man or woman comes forward asking for property of the deceased on account of

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347. Both the Greek text and Kausler, I, 206-208, clxxxviii have 'debtors', but creditors is what is meant.



being related to him, the law and judgement decree that the man or woman seeking the property of the deceased on the grounds of kinship is obliged to prove it with witnesses recognised as trustworthy. Two such witnesses must testify before the court, the viscount and the assessors that he is indeed related to the deceased. After this he too must swear upon the Gospels that he is truly related<sup>348</sup> to the deceased, and so help him God and the Holy Scriptures upon which he took an oath. And after this it is proper, according to justice and the law, that he who has taken the effects of the deceased into his possession is liable to repay all the dead person's debts. And should the effects of the deceased which he has received not be worth as much as his liabilities he can no longer appeal to justice in order not to pay these debts, once he has invoked kinship and thereby taken possession of the dead person's effects, for this is what is right and lawful according to the Assizes of the Kingdom of Jerusalem.

**Article 185 (Kausler, I, cxci). Regarding the possessor of an inheritance joined in marriage to a woman possessing an inheritance, and who subsequently falls into debt. Which legacies should be sold first to repay this debt, and which should not be sold.**

Should it happen by some chance that a man enters into possession of an inheritance, and that his wife likewise has an inheritance, and it happens that he undergoes such danger as to become a debtor, and lacks the wherewithal to repay what he owes, the law judges and decrees that he neither can nor should sell his wife's inheritance first in order to repay his debt, but is obliged to sell his own inheritance first, in order to repay the debt from the proceeds of this sale. If, moreover, he is unable to repay his debt from the sale of his inheritance, the law quite properly judges and decrees that after this he is well able to sell something from the inheritance of his wife in order to obtain release from the burden of indebtedness. For this is what is right and lawful, that a wife's goods can be used for the repayment of her husband's debt, and that from a husband's goods the debts of his wife can be repaid, that is to say honoured.

**Article 186 (Kausler, I, cxcii). Regarding a man or a woman who are debtors and who draw up a will<sup>349</sup> when on the point of death, bequeathing something that is not theirs to a third party, and whether such a will is valid.**

Should it come about that a person has the belongings of another in his care, or on loan, and has not returned it, if he bequeaths it in a will which he has drawn up when on the point of death, or leaves it to the priesthood or clerks for the good of his soul, judgement and the law decree that this will should have no validity whatsoever. Indeed once a court summons has been submitted before the court by the claimant, the viscount is obliged to go to there and take legal possession of all the effects of the deceased. He should then have them sold, selling as much as are required for the repayment of the debt. Should anything subsequently remain, it should go towards fulfilling the terms of the will drawn up by the deceased for the good of his soul. It

348. Kausler, I, 208-209, cxc has 'heir' instead of 'related'.

349. Kausler, I, 210-211, cxcii *om.* 'draw up a will'.

is, however, neither lawful nor right for a man or a woman to make a donation or bequest of things which belong to others.

**Article 187 (Kausler, I, xciii). Regarding a man who has died without confessing and intestate, and who has neither a father or a mother, nor any other relatives in the country, and how the court should supervise his effects, according to the law, before they devolve upon the lord of the country.**

If it happens by some untoward development that a man or woman die on account of an illness or mishap without having confessed, and without having drawn up a will, and the man or woman who died without having stated their sins, that is without confessing, have no male or female relatives in the country, but only abroad, the law and judgement decree that the ruler should take all which he or she who died in this manner, as stated above, possess. And the ruler of the country should have them in his care until a year and a day have passed. Should a man or a woman appear within the period of a year and a day and prove with two trustworthy witnesses that they were related to the deceased man or woman,<sup>350</sup> the law and the judgement of the court decree that the court is obliged to return all the effects of the deceased to his relative, male or female, who came and asked for them before a year and a day had passed following the death of the person related to them.

Should a year and a day have passed, however, from the date of his death, the law and the judgement of the court decree that since a year and a day have passed from the time of the death of the deceased man or woman, as stated above, the court is no longer obliged to return anything to any relative, male or female, for as the year and the day have passed without anyone coming forward to ask for anything,<sup>351</sup> all the deceased's possessions should belong lawfully to the ruler of the country. Should it be the case that the possessions of the deceased are of such a nature as cannot be maintained for a year and a day without being destroyed, or without being greatly reduced in value, the law decrees that the things should be brought forthwith to court, and that the viscount along with two assessors should have proper authority to have all the effects of the deceased sold forthwith by public auction. They should then have the monetary proceeds held in trust for the period of time as stated above, for until a year and a day have passed the proceeds do not belong to the ruler of the country, neither by law, nor in accordance with the assizes of Jerusalem.

**Article 188 (Kausler, I, xciv). Regarding one who claims a legacy bequeathed to him in a will by deceased persons, and how he should prove through witnesses that he was bequeathed that which he claims.**

Should it happen that a man or a woman claim what was left to them by another on his death, the law decrees that if the claimant advances his claim on the basis of a will, he should prove that the deceased made a will and that whatever is claimed has been written down in the will, and he requires at least two supporting witnesses.

350. Kausler, I, 212, xciii *add.* 'who died in this manner'.

351. Kausler, I, 212, xciii *om.* 'for as ... for anything'.

Should it happen that he cannot prove his claim thereby, he should not be believed regarding anything which he claims on the basis of the will. Should the man or woman claim the article, however, by stating that the deceased bequeathed it to him on his death, the law decrees as follows, that he should prove it with three trustworthy witnesses who heard the deceased say that he bequeathed the claimant the article claimed, and he should receive it in this manner.

Should there be no witness, however, and should the claimant claim the article not by producing witnesses, but by simply stating that the deceased bequeathed him the article in the presence of no persons other than his relatives, and should the relatives of the deceased acknowledge that this is indeed the truth, he should then receive whatever he has claimed. Even if it should happen that the relatives of the deceased stated that the deceased never conferred this donation or legacy in the presence of the number of witnesses required by law and justice, on account of which they wish to give him nothing, their action as a whole should have no validity, given that they knew that the deceased had bequeathed the article claimed in their presence, and they are lawfully obliged to give him whatever had been given to their knowledge.

But if, perhaps, they knew nothing of this, or say that they heard nothing of the matter, and the person advancing a claim has no witnesses, the law judges and decrees that the relatives of the deceased man or woman are obliged to swear upon the Gospels that they had never heard the deceased give or bequeath any of the things sought by the claimant, whether a man or a woman, and in this manner the claimant has lawfully lost the case, since no other party has cognisance of whatever he has claimed. But if those related to the deceased, or even if they are unrelated to the deceased, but are the persons to whom the deceased has bequeathed everything in his or her possession, are unwilling to take an oath in the manner stated above, the law and the assizes judge them obliged to give the claimant whatever he has claimed, since they will not come forward to take an oath. But should they take an oath, as stated above, they can be troubled no further, in accordance with the law and the Assizes of the Kingdom of Jerusalem.

Should it moreover be the case that the relatives of the deceased man or woman did not know of the existence of other than half of<sup>352</sup> the property claimed, the law and the judgement of the court decree that they are obliged to give the claimant whatever part was known to them. As for the other half, they are obliged to swear on the Gospels that he did not give it to the claimant, and by doing so are thereafter untroubled, or acquitted as is said. Should they not wish to take the oath, they are obliged to hand over everything asked for by the claimant, whether man or woman, for this is what is right and lawful, and there can be no objection regarding this judgement, regardless of whether the claimant is related to the deceased, or an unrelated woman or man whom the deceased made a relative, and to whom the deceased bequeathed all his or her property.

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352. The Greek text omits 'other than half of'. See Kausler, I, 214, cxciv.

**Article 189 (Kausler, I, cxcv). Regarding the legacy bequeathed by a wife on her death to her husband on condition that he does not remarry, and he then takes another wife, and whether the legacy, that is the bequest left to him, should be valid or not.**

Should it come to pass by some chance that a married woman predeceases her husband, leaving or bequeathing her husband some article other than those rightfully due to him, and which he would not normally be entitled to inherit, on condition that he should not desire to marry another woman, the law and the judgement of the court decree that this donation is valid, and that the husband should come into possession of it immediately after the death of his wife. He can, moreover, dispose of it as though it were something belonging to him in full. But should he subsequently marry another woman, the law and the judgement of the court decree that the relatives of his former wife are well entitled to ask him for the donation given to him by her, and he must return it to them. Should his former wife have no male or female relative, the law and the judgement of the court decree that this donation should be turned over to the ruler of the country. If, moreover, the person maintaining the donations of the deceased wife in his care is unwilling to give these donations to the husband without having confidence in him justice and the law decree that the husband is obliged to gain the confidence of his former wife's relatives over the donation which he wishes to receive, or likewise swear upon the Gospels to return the things which he has taken and all the benefits deriving thereof should he marry another woman. Following this he must place all these goods as security, so as to return them should he marry another woman, as stated above, for this is what is right and lawful, whether the goods are moveable or not moveable.<sup>353</sup> Should he not wish to place all his goods under obligation, as stated above, and has no apparent property, the law decrees that he is obliged to present trustworthy witnesses before the court in order to take possession of the donation, according to the law stated above.

**Article 190 (Kausler, I, cx cvi). Regarding gifts made by people on their deaths, when the effects of the deceased are held as security for him until repayment.**

Should it happen that a man or a woman bequeath something to someone on their death, the law and the judgement of the court decree that all the effects of the deceased should remain with him until he is paid. Should, moreover, the man or the woman holding the effects of the deceased in trust be unwilling to offer repayment, and a court summons follows, the law judges and decrees that the viscount should sequester such a quantity of the deceased's effects as are required for the claimant to be repaid within a period of seven days, once the court has sequestered as many of the deceased's effects as are required for repayment of the claimant. If, moreover, those holding the remaining effects in trust fail to repay the claimant within the seven-day term, the law and the judgement of the court decree that from the end of the seven days onwards the court can sell things belonging to the deceased as a forsaken security. The effects should be given to whomsoever pays the most, and then

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353. The Greek text omits 'or not moveable'. See Kausler, I, 216, cx cv.

the claimant should be repaid. Furthermore, if anything is left over, it should be handed over by law to the trustees of the deceased. Should the claimant not have been repaid from the things that were sequestrated, the law decrees that he is well able to turn to the other effects of the deceased, of which he can have sold as many as are necessary until he is repaid, according to what is right and lawful.

**Article 191 (Kausler, I, cxcvii). Regarding a bequest given by a husband to his wife on his death, which bequests are valid, and which are invalid, and should not be honoured.**

Should it happen, as is customary, that the husband of a woman dies by the will of God and declares thus 'I bequeath to my wife the dowry which she gave me', the law and the judgement of the court decree that this bequest should in no way be valid. For it does not constitute a gift, not having been assigned its actual value, as though he had declared 'I bequeath to my wife this house of mine for her dowry', or 'I bequeath to her 100 bezants, or 1,000 marks from all my possessions', or 'I bequeath to her whatever is written down in my will for her dowry'. The law decrees that a bequest of this kind is valid, as would also be the case if his wife had given him nothing by way of a dowry when he married her, for this is what is right and lawful according to the Assizes of the Kingdom of Jerusalem.

**Article 192 (Kausler, I, cxcviii). Regarding the notary of a will, who should write it.**

Know well that the law and justice decree that there should be no importance attached as to whether the will is written by the person making the bequests, or by another, other than the fact that the assizes decree that the person writing the will should not be related to the person having it drawn up. Nor does it matter if the will is written on tawed leather, or on paper, or on tablets which have been waxed, for so long as the letters are clearly legible and it has been witnessed by trustworthy witnesses it should be considered valid, for all its force rests with the witnesses.<sup>354</sup>

**Article 193 (Kausler, I, cxcix). Likewise regarding those witnesses required for drawing up a will.<sup>355</sup>**

The law and the justice of the assizes decree and judge that witnesses are required for the will, so that it does not become lost. Furthermore no woman can stand as a witness, nor can a male or female slave do so, nor can a person who is mentally ill, nor one apprehended by the authorities in evildoing, nor one sentenced for theft, nor one sentenced by the court for breach of trust, nor indeed a minor under the age of fourteen. None of the above parties listed above, which have been mentioned, should be summoned to witness a will, and should the opposite have taken place the law decrees that they should not be believed regarding anything they have stated.<sup>356</sup> If, moreover, more than one of the above persons witnessed a will, then by law it should

354. For a comparison with Roman law see *Justinian's Institutes*, 2.10.12.

355. Kausler, I, 219-220, cxcix *add.* 'and not others'.

356. For a comparison with Roman law see *Justinian's Institutes*, 2.10.6.

no longer be considered valid, nor should its terms be honoured. Indeed the assizes decree and judge that he or she who provided such unsuitable witnesses for the will to their knowledge, and died thereafter, without leaving anything to a male or female relative, should have all their possessions turned over to the ruler of the country, that is everything specified in their will other than what was bequeathed for the good of their soul, which, if mentioned in the said will, should be turned over to God. As for whatever was bequeathed to any party, it should all go to the ruler of the country, other than alms for God, as stated above.

If, moreover, the man or woman drawing up the will leaves a mother, a father, or any other relatives behind them, the law decrees that everything specified in that particular will, other than alms, should be divided equally between them, and they should not be left out on account of the bad will drawn up. And if<sup>357</sup> the deceased has nominated such witnesses as are required, regardless of whether he confessed or not,<sup>358</sup> what he has done and specified should be valid as is decreed by the law and the assizes, as well as what he has apportioned in his will, so long as it is from his own property, and not that of another.

**Article 194 (Kausler, I, cc). Regarding a baptised man or woman who have died having made a will, and what rights their male or female godparents<sup>359</sup> have over their effects.**

If it happens that a male or female slave was baptised a Christian by their master or mistress, and then set free, and the baptised man or woman then dies having drawn up a will, the law and the judgement of the court decree that the former master or mistress of the baptised man or woman no longer have any rights over the effects of the person baptised, other than what he or she wish, once this person has made a will, whether he or she has children or not. This is true if the baptised man or woman have acquired property following their emancipation, not with anything belonging to their master, but by their wits or through good fortune, or have had it given to them through marriage by the woman they have taken. And even if this person has not made a will but has children, the law decrees that all that he has should go by law to his children. Should he not have had legitimate children, but have had other children by his girlfriend, then the law decrees that this baptised man or woman is obliged on his death to bequeath one third of all his property by way of houses or other effects to his former master or mistress who had had him freed, and that he can do as he pleases with the remaining two thirds.

Should he not have bequeathed anything to his former master or mistress, however, the law and the judgement of the court decree that the former master or mistress of the baptised man or woman can take one third of all their possessions from

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357. The Greek text omits 'if'. See Kausler, I, 220, cxcix.

358. The Greek text omits 'or not'. See Kausler, I, 220, cxcix.

359. Kausler I, 220-222, cc has '... he or she who have enfranchised them, that is who have had them made Christians'.



the persons to whom they bequeathed their textiles (i.e. moveable property) whether this was done with or without a will, within a year and a day following the death of the baptised man or woman. But should the year and the day pass, the persons in possession of these effects are no longer obliged to return anything to anybody, in accordance with the law and the assizes of Jerusalem. This law, in the way that it applies to what the former master or mistress of the baptised man or woman are entitled to, is likewise applicable to the children of the former master or mistress of the baptised person, once their mother or father have died, and they should share the proceeds equally amongst themselves, for this is what is right and lawful.

**Article 195 (Kausler, I, cci). Regarding a baptised former slave who dies intestate and childless, and to whom his effects should be given.**

Should it happen by chance that a baptised man or woman die intestate, childless, and without having confessed, the law decrees that all which they have should be given to the person who set them free, or to that person's children in cases where their mother or father, who had emancipated the deceased person, are no longer alive. Should the deceased former slave have a wife, the law decrees that she should take her dowry from among her husband's effects, and that the remainder should be given to the man or woman who had given her husband his freedom. Should it happen that the wife has no dowry, nor had ever given anything to her husband, but that he had married her for the love of God, the law decrees that the woman is lawfully entitled to receive all the furniture of the house, and that the remainder should be given to the man or woman who had emancipated the deceased, or to their children. But should the man or woman who emancipated the slave no longer be alive, nor their children and grandchildren, the law judges and decrees that everything belonging to the deceased former slave, whether man or woman, should go to the ruler of the country, in accordance with the law and the assizes.

**Article 196 (Kausler, I, ccii). Regarding the number of times a freed slave, man or woman, can be reduced to servitude, following his (or her) emancipation.**

Should it happen that a baptised man or woman, following their emancipation, commit some heinous misdeed against their former master, or mistress, or against their children, they should be reduced to servitude. This likewise applies in cases where the baptised man or woman threaten to kill<sup>360</sup> their master, their mistress, or their children, or if they should commit some shameful misdeed, that is if they hit them, or engineered great harm to their master, their mistress, or to their children, or some other wrongdoing. The law and the judgement of the court decree that the baptised man or woman who carried out against their master, or mistress, or against their children any of the things stated above should be reduced to servitude for as long as their master or mistress wish, and should work for them, but not be sold by them. If the baptised man or woman are reduced to servitude on account of their misdeeds, the law decrees that if they begat children whilst free, or if the woman is pregnant, these

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360. Kausler, I, 223-224, ccii *add.* 'or beat'.

children should not be slaves, but should be free as though they had been born of a free woman, for no wrongdoing of the father or of the mother should be turned against those who are not yet born, or who are born, according to the law and the assizes of Jerusalem.

And know well that all these rights explained to you over male or female slaves should require witnesses able to prove what the male or female slave has done, should the former slaves wish to deny whatever they have done against their master, or their mistress or the latter's children. For without two witnesses, once they deny the deed, the truth cannot be established.

**Article 197 (Kausler, I, cciii). Regarding one who nominates his slave as his heir, and what the slave is then obliged to do, willingly or otherwise.**

Should it happen that someone nominates his slave as his heir, he is well able to do so, and such an heir is a qualified heir. The law decrees that this heir is obliged to come into his master's inheritance as soon as his master dies, regardless of whether he wishes to do so or not. The law, moreover, decrees that he is forthwith free, even if his master had not specified that he should acquire his freedom. For the law and the assizes judge and take into consideration the fact that this had been the desire of his master who had made him the heir of all his belongings.<sup>361</sup> Furthermore, the judgement of the court decrees that the male or female slave who has become the heir of his master or mistress is obliged to repay everything owed by the master, who nominated him (or her) the heir to his goods.<sup>362</sup> Should the things which the former slave has inherited from his master or mistress be worth less, however, than the sum of the debt itself, the law and the judgement of the court decree that this slave is obliged to repay no more than the value of the belongings of his master or mistress, whose heir he has become, and nothing over and above this. Should he, moreover, not wish to repay his master's debt, it is indeed possible for the houses which he has received from his master, or for other materials of whatever kind to be given to the creditors so that they may do as they wish, and he may remain untroubled. Whatever, moreover, is acquired by the former slave following the death of his master is to be considered as his own property, and his master's creditors are not entitled to ask him to give them any part of it,<sup>363</sup> should he not wish to do this of his own free will, if it be the case that these creditors cannot be repaid from the belongings of the deceased. This, moreover, is <sup>364</sup> what is right and lawful according to the assizes.

**Article 198 (Kausler, I, cciv). When a master can free his slave, and the manner in which he can and should confer freedom on his slave, male or female.**

There are many ways in which the master or mistress of a slave can confer freedom on him. One such way is when his master or mistress declare as follows before two

<sup>361</sup>. Kausler, I, 225-226, cciii *add.* 'that he should be free'.

<sup>362</sup>. See *Justinian's Institutes*, 1.6 for a comparison with Roman law.

<sup>363</sup>. Kausler, I, 225-226, cciii *add.* 'nor is he obliged to give them anything'.

<sup>364</sup>. The Greek text has 'is not', which is clearly a mistake. See Kausler, I, 226, cciii.

or three witnesses: 'I grant you complete freedom before God, and promise that from now on you shall be relieved of working for me in servitude'.<sup>365</sup> The law decrees that if <sup>366</sup> he has a notarial deed drawn up for him in court, according to law and good custom, the slave is henceforth free, and this is a valid procedure. Should the master wish to perform this deed whilst outside the city, he can declare before trustworthy witnesses that he has granted him complete freedom, and have the notarial deed drawn up on returning to the city, in the manner stated above.<sup>367</sup> Even if this complete freedom has been granted in writing, or confirmed in a will, or without a will,<sup>368</sup> it should always be validated, both in the first or second written forms, by the presence of two or three witnesses. For this is lawful according to the Assizes of the Kingdom of Jerusalem and those of all other kingdoms, and in the eyes of all prudent men.<sup>369</sup>

**Article 199 (Kausler, I, ccv). Regarding one who has given his slave as a security to another and wishes to free him, whether this can be done or not during the time in which he is held as security.**

If it happens that a man or a woman gives his slave, male or female, as a security to another person, and it then comes to pass that the man or woman placing their slave as security then wish to free him, the law and the judgement of the court decree that they cannot free him without the consent of the man or woman in possession of this slave by way of security, without repaying them what is owed. This is true if the slave was offered as security for the debt without anything else having been offered. Should, however, the slave have been offered with many other materials of greater value than the debt, or should he not have been offered as security for the whole debt, he is well able to free him if he so wishes, and it is legally valid, even without the consent of the person holding the slave in custody as security. But if on account of doing this the person who pledged the slave as security cannot repay his debt from among the other things given as security for his debt, should he not repay his creditor, the slave cannot be released from the guarantee, should the creditor not wish this, until he is repaid.<sup>370</sup> His master is then obliged to redeem him as though he had never given him freedom.

Likewise a man is well able to confer freedom upon a slave, male or female, whom he has taken as part of the marriage dowry, whether his wife wishes this or not, because the man has such property as renders him well able to return his wife's dowry. All men who have reached the legal age of fourteen, and women who have

365. Kausler, I, 226-227, cciv *add.* 'The law decrees that he is then obliged to free him'.

366. The Greek text omits 'if'. See Kausler, I, 226, cciv.

367. Instead of this sentence Kausler, I, 226, cciv simply adds to the preceding sentence 'even if he was outside the city when he had the charter of enfranchisement drawn up'.

368. Kausler, I, 226, cciii *om.* 'or without a will'.

369. See *Justinian's Institutes*, 1.5 for a comparison with Roman law.

370. Here the Assizes differ from Roman law. *Justinian's Institutes*, 1.6.3 state that a manumission by a debtor is valid even if it reduces the estate to insolvency unless the debtor granted it with the intent to defraud the creditor.

reached the age of twelve, are well able to draw up a will and lawfully free their slaves, and on doing so at this age the act is valid.

**Article 200 (Kausler, I, ccvi). Regarding a free man who allows himself of his own free will to be sold like a Muslim (slave) on account of indebtedness.**

Should it happen that anyone who has reached the age of fifteen allows himself to be sold by another in the town like a Muslim on account of a debt, should the person selling him receive one part of the proceeds of that sale, and the person sold receive the remainder, the law and the judgement of the court decree that he should remain a slave of the man or woman who purchased him for all the days of his life, and he can no longer call himself free. Should he, however, not have received his share from the proceeds of the sale from the person selling him, and if the man or woman buying him knew well that he was free, the law and the judgement of the court decree that he is in no way enslaved on account of this sale. Indeed the person selling him is obliged to return to him the price which he received for himself in order to have him sold, for he had allowed himself to be sold on account of the great distress he had experienced through hunger. The man or woman who bought him knowing that he or she was a Christian should lawfully forfeit whatever they had given for him. As for the person selling him, he is obliged to work for the ruler of the country for as long as a person would have to work, or as long as a servant would have to serve for that money, that is for the money received from the sale. The court, moreover, is well able to have him kept in irons if it has no confidence in him, until he finishes working off the sentence that he has incurred on account of his breach of the law, or on account of his nefarious scheming. Furthermore the court is obliged to provide him with bread and water, if it wishes to give him nothing more, until he has worked off what he owes. And should he be such a person as does not wish to work, but wishes to return to freedom, he is well able to do so in accordance with the law and the judgement of the court laid down, whereby he should give, since he does not wish to engage in physical labour, three times as much as he acquired from the sale of the Christian man or woman, and this is what is lawful. But should it be the case that he sold this Christian man or woman, either knowingly or unwittingly, to the Muslims,<sup>371</sup> the law and the judgement of the court decree that he or she who did this should be dragged through the city and then be hanged, for this is what is right and lawful in accordance with the Assizes of the Kingdom of Jerusalem.

**Article 201 (Kausler, I, ccvii). Regarding one who keeps a stolen slave, male or female, in his home, once the proclamation was proclaimed throughout the town and with the consent of the court, and what should be done.**

Should it happen that a male or female slave is stolen, or is removed and placed in another house, the law decrees that as soon as the court receives knowledge of this it should be proclaimed throughout the town by the town crier, so that no-one will be so bold as to conceal or take in that misdeed, but will make it known to the master of

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371. Kausler, I, 228-229, ccvi *om.* 'to the Muslims' but has it in the corresponding chapter of the Venice manuscript. See Kausler, I, 228-229, clxxxviii (Venice).

the slave who has lost him. And any person, man or woman, who has hidden the slave should be placed at the mercy of God and the slave's master. And should he keep quiet and does not return the male or female slave who has been sought for, the law decrees that the person upon whom the stolen or concealed slave, male or female, is discovered, and who had been unwilling to return him when the proclamation went out, should be hanged without any delay, and all his possessions should be made over to the ruler of the country.

Furthermore, should it be the case that someone is holding the slave in an empty house, and that the slave is hiding there, should they have asked him 'who brought you here?' and should the slave impute it on someone, the law decrees that his statement should not be believed, nor should something bad happen to him if he knows nothing more about this, for it could easily be the case that he loved or hated someone, and so placed the blame on him. But should it happen that the slave said 'Sir, I have given to so-and-so what I have taken from you', and there are many people who saw him talking to the slave on numerous occasions, then the law states and decrees that the court should have that person apprehended or confined. He should be subjected to torture so as to verify whether he will return whatever he had taken from the slave. Should the person, moreover, confess to this, the assessors should fine him and make him pay as much as they know the article taken from the slave, male or female, to be worth. For this is what is right and lawful according to the assizes.

**Article 202 (Kausler, I, ccviii). Regarding a slave who committed some misdeed whilst a slave, who has subsequently been granted freedom, and what should be done.**

Should it happen that a male or female slave commits some wrongdoing or harm to a stranger, and subsequently becomes Christian (i.e. free)<sup>372</sup> the law and the judgement of the court decree that as soon as they are summoned by the injured party they are obliged to make lawful amends, even though they were slaves at the time of the wrongdoing. If the slave committed theft while he was a slave and gave the stolen goods to his master, and his master was aware of this and knew that the goods given to him were stolen, should the slave, now baptised, be summoned to court, the law decrees that the master or mistress of the former slave is obliged to return the stolen goods, and is liable for this crime as though he or she had committed it by their own hand. The baptised former slave, moreover, can remain untroubled in the knowledge that he acted under the protection of another. Should it be the case, however, that the slave's master or mistress were totally unwilling to receive the proceeds of this theft, which the slave committed of his own free will, the law decrees that the master of the slave should thereafter remain untroubled on account of this misdeed. The baptised slave moreover, who is now free, is subject to the penalty of paying a fine equal to

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372. Muslim slaves could gain freedom on converting to Christianity, but their emancipation was not mandatory. See B. Kedar, 'Ecclesiastical Legislation in the Kingdom of Jerusalem. The Statutes of Jaffa (1253) and of Acre (1254)', in *Crusade and Settlement*, ed. P.W. Edbury (Cardiff, 1985), pp. 225-229; Schabel, *Synodicum Nicosiense*, pp. 105-107, XXVII [2] and pp. 141-143, 18 [d].

what the assessors know he can receive for whatever he has stolen. For this is what is right and lawful according to the Assizes of the Kingdom of Jerusalem.

**Article 203 (Kausler, I, ccix). Regarding a male or female slave who rightly or wrongly strikes or beats a free person, and when the slave should remain untroubled over this case.<sup>373</sup>**

Should it happen that a male or female slave batters a free man or woman, or inflicts an open wound on them, the law decrees that this male or female slave is to be handed over to the ruler of the country. Furthermore, whoever was the master of the slave is obliged to have the wounded person healed, and should provide him with maintenance for as long as he is bedridden and incapacitated on account of the injury or harm done to him. Should it come about that he dies on account of it, the slave must be dragged through the streets and then hanged. Should the slave be female she should be burnt, according to the law and the assizes, and as though the court had taken her into its possession.

**Article 204 (Kausler, I, ccx). Since up to now you have heard the judgements regarding death and slaves it is lawful for you to hear those regarding donations also.<sup>374</sup>**

Because sensible persons seek and ask for many rights and gifts, it has been customary to state in many cases that if a gift is conferred lawfully, it should not be easily rescinded.<sup>375</sup> If for instance a man gives another man 100 bezants from his own estate, this gift is valid, for the person conferring it does so for the sake of something. In order to confer greater validity on this donation, however, should it amount to more than 100 gold bezants, it should be done in writing.<sup>376</sup> If it is for less than this sum, it can take place in unwritten form. For each person can give what is his, but what is another's cannot be given, unless it be bought, or unless something else is given in exchange for it which is of the same value.<sup>377</sup> Should someone give something to which he has only partial entitlement, then possession of the other part cannot be demanded, whatever the thing given might be. And if someone is promised something, whether it be among those things the other party is entitled to, or otherwise, this thing cannot be lawfully demanded. This is in accordance with the law stating that 'A better giver is the person in possession of something rather than the person seeking it'.

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373. Kausler, I, 232-233, ccix has '... and what should be done to the slave who has done this'.

374. Kausler I, 233-234, ccx *add.* 'which one man makes to another, which gift is lawfully valid and which gift should not be valid, by law'. The Greek text of this article was translated from the Latin (Kausler, I, ccx, 233-234).

375. Kausler, I, 233-234, ccx note 1 has 'by law' instead of 'easily'.

376. For a comparison with Roman law see *Justinian's Institutes*, 2.7.2.

377. The Greek translation omits the Latin *Revocatur quidem donatio ingratitudine donati* (Any gift given unwillingly can be revoked).



**Article 205 (Kausler, I, ccxi). Regarding the kind of gifts that can be given, or not given, and whether the thing given can be sought back once the recipient has come into possession of it.**

Should it happen that a man or woman makes a gift to some person or another, that gift is indeed valid so long as possession of the article follows on, and so long as the donation given belongs to the donor and is something which can be given away, for there are many things which cannot be given away.<sup>378</sup> The law and the justice decree that no secular private person can donate something sacred or sanctified to another secular person, against the will of the holy church. And should such a person give such a thing to another, the man or woman receiving it are obliged to return it to the holy church of God. Likewise no person can give away a free man or woman. For this reason a person wishing to give something can and should do so from among those things belonging to him, in order to grant rightful possession of it to the recipient, for a donation is not<sup>379</sup> valid without possession of the article given. But know well that a person is well able to give the value of an article, that is the price of an article not belonging to him, and this donation should be considered legally valid. Should I, however, have given ten bezants to a man or a woman to do something for me, or should they have gone to Acre<sup>380</sup> or to some other place on my behalf, and should the man or woman in question not fulfilled the assignment for which I had given them the bezants, the law and the judgement of the court decree that he or she are obliged to give me back double my money, unless they have a good reason on account of which they were unable to fulfil the assignment, such as sickness. Should they have such a reason, they are obliged to give me back only as much as I had given them.

If, moreover, it so happened that I gave ten or twenty bezants, or as much as I wished to some person for him to journey to Jubail or to Nephin<sup>381</sup> and tend my vines or fields there, should he have gone there and accomplished nothing, the law and the judgement of the court decree that he is obliged firstly to return the money which I had given him to perform this task, and he is then obliged to make good all the damages visited on my vineyards and gardens on account of their not having been tended at their proper time, or for not having sown my fields in time, or not having collected the harvest or the grapes once they were ripe. Should I, however, have given some bribe to someone to commit some misdeed, and should he subsequently been unwilling to commit it, I can no longer take back what I have given him. Conversely, if he has committed this misdeed, or this crime, on account of what I had promised to give him, the law decrees that I am not obliged to give him anything, if I do not wish to, because this deed was contrary to God and contrary to justice. I am, moreover, well able to give people in general gold and silver, houses, fields, vineyards and all things belonging to me, and this donation should be deemed legally valid if pos-

378. Kausler, I, 234-237, ccxi has '... for there are many things which men cannot give away, nor women either'.

379. The Greek text omits the negative. See Kausler, I, 235, ccxi.

380. Kausler, I, 235, ccxi has 'Cyprus', which the Cypriot translators understandably changed to 'Acre'.

381. The foregoing localities are in Lebanon and Syria respectively.

session of the article, that is to say the taking hold of it after its donation, follows on, as is stated above.<sup>382</sup>

**Article 206 (Kausler, I, ccxii). Regarding the gift made by one man to another man,<sup>383</sup> or to a woman, and whether he (or she) can give it to someone else who receives it for himself or for something that he is owed.**

This issue concerns what one person can give another person, when the thing to be given is owed to him. Should it for instance be the case that a person owes me ten or one hundred bezants, I can easily give the money owed to a third party, whether my debtor desires this or not. The law and the judgement of the court moreover decree that the debtor is obliged to give the debt to this third party in the presence of two witnesses. Even if this should happen, that the person who made the donation died before the money owed to him was repaid, the gift can still be given as follows: 'I give you this house, or this orchard, or this field after my death, or after the death of my wife, or of my close relative'.

This donation is indeed valid, because I granted him possession of it before the court, in the presence of trustworthy witnesses. The donation can even take place in the following manner. If the person to whom the gift was assigned predeceased the person after whose death<sup>384</sup> he was going to receive this gift, the sum due can be made over to the dead man's heirs. But the law and the judgement of the court decree that if the deceased has no heirs, then the gift cannot be given to anybody else, for the person who has outlived the deceased should have this gift. Should he however have predeceased him then the law quite properly states that the latter can thereafter do as he pleases. But should he not have taken possession and not be holding it, then the law decrees that his heirs thereafter have no entitlement to this donation, should the other party's heirs not wish to give it of their own free will.

**Article 207 (Kausler, I, ccxiii). Regarding one who has promised another to perform some task for him, and what obligations are attendant on the person promising to perform the task in question.**

Should it happen that a person promises someone else to perform a task for him, receiving something under the terms of the agreement, the law and the judgement of the court decree that he is obliged to perform the task assigned to him. If, for instance, he has been given ten bezants, or more or even less, in order to build a house for whoever paid him, or to dig a well for him, or to carry out some other task, and even if he himself has received nothing for this work, the law nonetheless decrees that he is obliged to do it, once he has promised this in the presence of trustworthy witnesses. But if he did not promise to do anything for him, nor was he promised any payment by the other party for performing his task, as though he had been told, for

382. Kausler, I, 236, ccxi has the final sentence in the first person singular.

383. The Greek text of the heading is corrupt from this point on, and I have followed Kausler, I, 237, ccxii.

384. The Greek text omits 'after whose death'. See Kausler, I, 237-238, ccxii.

instance, 'I will give you so much for doing this', then the law decrees that the one party is not under obligation to the other party through words, and this is in accordance with what is laid down and the assizes.

It is likewise in accordance with the law that should I have promised to give you something, because I thought I owed it to you<sup>385</sup> but did not give you anything, you should not ask for anything from me, and if I have given it to you<sup>386</sup> the law and the assizes decree that you are obliged to return it, according to the law and the assizes. This is also lawful, that should you promise to lend me bezants, or something else of value, but receive neither security, nor guarantors, nor a sealed document, the law decrees that you are not obliged to do so, should you not wish to lend me the money, according to the law and the assizes. Should you, however, receive security, or accept guarantors, then the law decrees that you are thereafter obliged to lend what you promised me on account of the security received, and this is what is lawful.<sup>387</sup>

**Article 208 (Kausler, I, ccxiv). Regarding the *baillis* and the seneschals of the lords, what obligations they have towards their lords, and their lords' obligations towards them.**

Should it happen that a wealthy man has a *bailli*, or a male or female seneschal at his home, either within or outside his residence, the law and the judgement of the court decree that he is under obligation towards his master, or mistress, to supervise and watch over their affairs well, so that none of the master's property is given away, sold, lent, or entrusted to anybody, without his knowledge. Should it happen that he lent or gave away any of these things to anybody, without his master or mistress being aware of this, the law and the judgement of the court decree that he is obliged to make good the whole amount. The same applies, moreover, if anything is lost through his own fault, or under the terms of the agreement concluded between him and his master, or his mistress. He is likewise obliged to make good any damage or shortfall which his master should suffer under his bailliage or seneschalcy. The law and the judgement of the court, moreover, decree that just as he is obliged to make amends for anything belonging to his master or mistress which he has destroyed or damaged, his master or mistress are likewise obliged to pay all expenses defrayed by him in town until such time as they are around him, regarding purchases such as of wine or of bread and meat, and of other foods useful to the master, or to the mistress and to the household, and of clothing, and of all those things which he should acquire in trust for the household. The master and mistress are obliged to pay him for all the things that have not been paid for. And this is lawful because people have entrusted the *bailli* or seneschal with such tasks on account of having faith in their master, and would not otherwise have entrusted them with one farthing without a firm guarantee. And because people have entrusted them with what is theirs, on account of their love towards the master and their trust towards the mistress with whom they are associ-

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385. The Greek text is corrupt after 'because ...' and I have followed Kausler, I, 238, ccxiii.

386. The Greek text has 'and if I wish to give it to you', but this is clearly wrong, and I have followed Kausler, I, 238, ccxiii.

387. The last six lines are given in the third person singular, not the second, in Kausler, I, 238, ccxiii.

ated, and because their master considers them trustworthy men, without having taken any form of security from either his *bailli* or his seneschal,<sup>388</sup> the law and the assizes decree that the master is obliged to pay for everything. Therefore let every person take care regarding whom he entrusts his household to, for if he appoints a bad person, people in the city should not in any way show compassion for<sup>389</sup> his wrongdoing, simply because the master is not to blame. Likewise, should it happen that the master had the seneschal handed over to the creditors, so that they could bring him before the court to be sentenced, or to have him make good their due, the law and justice decree that all this should be of no avail to the master, nor should the creditors do this if they do not wish it. For the master himself is obliged to repay he creditors, and should he know of anything to be demanded from his seneschal, or from his *bailli*, and can do so, then let him ask for it if he wishes, for this is right and lawful according to the good customs of the kingdom of Jerusalem.

**Article 209 (Kausler, I, ccxv). Regarding a loan taken out by a son, and whether the father is obliged to repay this, and likewise in cases where the son loses something.**

Should it happen that the son of someone who is under his authority, and who with the consent of this person is sent to school to learn letters or some wisdom, the law and the judgement of the court decree that his father or mother are obliged to whatever he has borrowed for his upkeep, or for paying his teacher. Likewise if the father has his son trained as a seller of cloths or of some other commodity, the law and the judgement of the court decree that the father is obliged to pay the person the boy was entrusted to, and is well able to receive whatever is owed to the son. Should the son, moreover, have committed some misdemeanour or some wrongdoing or theft, so long as he is under his father's authority the law and the judgement of the court decree that his father or mother are likewise obliged to be accountable for him, as though they had committed any of these deeds, and compensation must be given from their goods. Should the son, however, not come under the authority of his father or mother and be responsible for his own actions, and should he be dissociated from the goods of his father and his mother, either by a court order or without one, as when he has reached his majority or has taken a wife and has children, the law quite properly judges that neither his father nor his mother are accountable for anything which he does, and this is what is right and lawful according to the assizes of Jerusalem.

**Article 210 (Kausler, I, ccxvi). Regarding one obliged to pay another within a fixed time and who fails to do so,<sup>390</sup> and the articles owed meanwhile drop in price, and who should be liable for this reduction.<sup>391</sup>**

Should it be the case that one person owes another person something in kind, such as a horse, or a bull, a mule, or a camel, or something else, having agreed to repay him

388. Kausler, I, 239, ccxiv *add.* 'or female seneschal'.

389. Kausler, I, 239, ccxiv has 'comparer', meaning to compare, but this must be a scribal error for 'comptir', meaning to show compassion.

390. The Greek text omits 'and who fails to do so'. See Kausler, I, 240-241, ccxvi.

391. Kausler, I, 240-241, ccxvi *add.* 'the person who is owed or the person who owes the article to him'.

within a fixed time, and despite this persists in delaying and prevaricating, the law judges and ordains that it be decreed that the debtor is liable to make good the damages incurred by his actions, on account of not having paid within the time in which he was obliged to repay. He is, moreover, obliged to make good the original worth of the article, and to give nothing less. If it has subsequently declined in value he must repay the creditor until he is paid in full, and he must be made to repay, for this is what is lawful and laid down. If, for instance, you owed me oil, or wine, or wheat, and did not wish to repay me within the time in which you were obliged to repay, but delayed repaying me to such an extent that the oil due to me, which was then worth 100 bezants for every hundredweight, was worth only 50 bezants for every hundredweight by the time you repaid me, the wheat at that time was worth three bezants per *modius*, and was subsequently worth only one<sup>392</sup> bezant per *modius*, or the butt of wine was then worth five marks and is now worth two bezants, or I could have a certain horse for 100 marks and it is now worth 60 bezants, or is not even worth 20 bezants, in such a manner and in all similar cases the debtor is obliged to make good all the losses incurred by the creditor, male or female, on account of not having been repaid within the time due.

Should it be the case, however, that no time of repayment was defined, then the law decrees that the debtor is under no obligation to offer any compensation, should he not wish to. This provision is also lawful and laid down if the creditor was not repaid in the same city in which he lent his property,<sup>393</sup> or in which he gave it in trust. This is what is lawful and laid down according to the assizes of Jerusalem.

**Article 211 (Kausler, I, ccxvii). Regarding a sinful woman, and whether that given to her can be taken back from her or not, and whether something given by someone else on account of his fear of being apprehended in the act can be reclaimed by whoever gave it on account of being afraid.**

Should it happen on account of some mishap, as is customary, that a woman is immoral for that which is given to her, and it comes about that a knight, or a valet, or a burgess, whoever he be, sleeps with this woman, either on his own initiative, or on account of someone else, or even on account of falling in love, if he gives her something of his own, or arranges for something to be given to her so that she will go to bed with him,<sup>394</sup> the law decrees that the woman should not be pressured by anyone in order to sleep with him, nor does she have to return whatever she took which belonged to him. For he gave what he gave to sin and to commit a misdeed, and so she is not obliged to return anything, should she not wish to, according to the law and the assizes.

But should it happen that someone is caught while committing some serious misdeed, such as adultery, and has something belonging to him taken on account of his fear of blackmail, then the law and the judgement of the court decree that even if

392. The Greek text wrongly has 'five'. See Kausler, I, 241, ccxvi.

393. Kausler, I, 241, ccxvi *add.* 'or sold it'.

394. Kausler, I, 241-242, ccxvii *add.* 'and she receives it and does not wish to sleep with him'.

he has given something he owns to commit the misdeed, they are lawfully obliged to return it, because he had given it through fear. If, however, he gave what was his on account of being ashamed, because the other party saw him in the act of committing the misdeed, then the party taking his property is under no lawful obligation to return it. Likewise if he was keeping company with this sinful woman on a regular basis, should he have eventually spent all his property on wining and dining and clothing her, if he subsequently quarrels with her and demands of her the return of everything spent on her, the law and the judgement of the court decree that he has no entitlement to take back anything from her and from what he has spent on her, other than through a coarse form of justice. This ordains that should he wish to take back whatever he has given the sinful woman, a Muslim should be brought to a house and go to bed with him there. An alternative option is for a length of wood to be brought as thick as a man's penis, or as his own penis, and for it to be inserted up his anal passage for as many times as she declares that he slept with her, that is for as many times as the woman should declare, upon her faith, that he went to bed with her. After this has taken place, then the woman is obliged to return everything which is found on her from what he had given her. Should certain things not be found, then the woman is not obliged to make good whatever has been lost or destroyed, they should be attributed to whatever other services she has done for him, for this is what is right and lawful according to the assizes.

**Article 212 (Kausler, I, ccxviii). Regarding a person who summons to court someone in possession of an inheritance, which he claims should be his.<sup>395</sup>**

Should it happen that one person summons another to court on account of a legacy, such as houses and vineyards, or gardens or fields, and the defendant replies 'Sir, I want him to prove to me where I owe him that which he is claiming from me, for in this city I have many houses, gardens and vineyards, and so I do not know exactly which one, unless he shows it to me'. Nor do I wish to offer a defence otherwise, unless the court decrees that I must do so', the law and the judgement of the court decree that the claimant is obliged to show the defendant where the property claimed, and ostensibly owed to him, is located. He must show him the house, the land, or the vineyard, and following this the court is obliged to hear the arguments of both parties, and to grant justice to whichever party they regard or recognise as having the better case. If the assessors perceive and recognise that each party has as much entitlement as the other, that is that the property in question belongs to the one as much as to the other, namely to the defendant and to the claimant to an equal extent, the law decrees that they should judge that each should enjoy as much as the other from the incomes or goods of this estate, and should they wish and be able to sell it, the money is to be divided equally. But should it be the case that the person first in possession of it undertook certain expenses, such as the repair of the house, or a roof for the walls, or gathering the crops from the fields, tending the vines, or other things, the law and the judgement of the court decree that if the person in possession received any of the incomes of the estate the other party is claiming, the expenses

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395. Kausler, I, 242-243, ccxviii *add.* 'and what he is obliged to prove'.



should by law also be shouldered by him. Should he, however, have received no incomes, then the claimant is obliged to shoulder half the expenses, according to the law and the assizes.

**Article 213 (Kausler, I, ccxix). Regarding one who is not entitled to take action in court over the rights of his grandmother<sup>396</sup> without her, and when the court is obliged<sup>397</sup> to grant him possession of that which he asks for, which is held by another.<sup>398</sup>**

If it happens that a person comes forward and summons another man or woman to court, and states 'Sir, I summon before you Sir Martin or Dame Joanna over a house he (or she) is holding, which has come down to me from my grandmother, and ask you to grant me lawful possession of it, if this be right, and I do not wish to claim lawful possession, if the court does not recognise it'.

Martin then responds 'I do not wish to offer a defence regarding this claim brought against me, nor grant possession to the claimant if the court does not recognise it, because what he is asking for belongs to my wife'. The claimant then states 'I want him to offer a defence because whatever belongs to his wife also belongs to him, and he is stating the truth'. The defendant then replies 'It is true that it is all mine, but because I acquired it with my wife as part of her dowry I do not wish to plead in court without her unless the court agrees to this'. The law decrees that the assessors should decide and rightfully declare that the defendant should not plead in court over his wife's legacies without her, unless she has nominated her husband before the court as her representative regarding this summons, in which case she must abide by whatever he does. Should it happen, moreover, that she did so, then her husband is well able thereafter to state his case without he wife, but not otherwise, as regards the things she has given him.

Once, however, his wife is present with him, the court is obliged to listen to what she<sup>399</sup> wants to say. Should it happen, moreover, that the court is able to discover and acknowledge that the person asking for whatever has come down to him is a closer relative and a more rightful heir than Martin and his wife, the law decrees that the court is obliged to deprive him of possession<sup>400</sup> and grant legal possession to the other party who is a more rightful heir. For no person lacking possession of something can be summoned by anyone seeking his entitlements, but the law quite rightly decrees thereafter that once he has come into possession, he is obliged to offer a defence to all men and women seeking justice from him, for this is what lawful according to the assizes.

396. Kausler, I, 214-215, ccxix has 'wife' in the rubric, but 'grandmother' in the main text.

397. The Greek text wrongly has 'is sitting'. See Kausler, I, 244, ccxix.

398. Kausler, I, 244, ccxix *add.* 'and which is due to him by inheritance'.

399. The Greek text wrongly has 'he'. See Kausler, I, 245, ccxix.

400. Kausler, I, 245, ccxix *om.* 'to deprive him of possession'.

**Article 214 (Kausler, I, ccxx). Here you shall hear regarding one who asks of the wife of a deceased person what her husband owed him, and what the law decrees as regards this claim and this hearing.**

Sir Robert comes to court and issues a summons, declaring 'Sir, I summon Lady Joanna before you over twenty bezants owed to me by her late husband, which I ask you to have repaid to me. If perhaps Lady Joanna is such a person as to deny that her late husband owed me these twenty bezants, I am prepared to prove it as follows, as is proper according to the judgement of the court, for I must prove that they saw me lend him this money and that they heard him acknowledge that he owed it to me'.

Lady Joanna replies 'Sir, I do not wish to offer a defence over this claim which he has forwarded against me, if the court does not judge otherwise, and let me tell you how it was. Sir, it happened that my husband was ill and summoned his friends to come to him, and they came. And my husband made his will in the presence of all of them, and clearly mentioned by name all those to whom he had owed money, and he<sup>401</sup> truly declared to me that he did not owe anything more to anybody else, other than to the people he had named. Since, moreover, he made his will and declared these things in the presence of Sir Robert, without him asking for anything from my husband, who likewise never admitted owing him anything, I ask according to this to be left untroubled, if the court so judges'.

Sir Robert then responds 'I was indeed present at the drawing up of the will which he made and indeed heard what he said, but he was my friend and I was afraid of making him angry, and so I did not reply so as not to hasten his death, and do not wish to lose my right to the twenty bezants on account of having kept silent, if the court does so judge, for I am ready to prove with two trustworthy persons that I lent them to him and I wish to have them back, if the court so sees fit'.

The law and the judgement of the court decree that because he forwarded the claim and the lady replied to it the lady should be left wholly undisturbed, in accordance with the law and the assizes of Jerusalem, for no person should keep silent for his own profit, and since he kept silent over taking the money he can truly stay silent without being given anything of what he asks for.

**Article 215 (Kausler, I, ccxxi). Regarding one who needs to forward a claim over houses, fields and vineyards if the land or effects are in another place, and he happens not to be resident in the city in which he has an entitlement, and what the court is obliged to do regarding such matters.**

Sir Mark appears before the court of Jaffa and declares 'Sir, I summon before you Sir John who is in Jerusalem, or Acre, or in some other town of the kingdom, over the houses he holds in Jaffa which have come down to me from my uncle, or from some other close male or female relative, and summon him to come over here to render justice to me at the place where the houses are located'.

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401. The Greek text wrongly has 'they'. See Kausler, I, 246, ccxx.

The law judges and decrees that the viscount and the assessors should summon him to appear three times, for him to render justice in court of Jaffa over what the claimant seeks from him. And when the court messenger tells him the message from the court of Jaffa, he should declare it in front of witnesses present in the territory where he is resident. Should he not wish to come over after the third summons, the law and the judgement of the court decree that the court should then take possession of what is being claimed, for this is what is lawful, until Sir John arrives in Jaffa to render justice over those things which the other party is claiming from him. Once the court has placed the property claimed in its care, he should arrive before a year and a day have passed, for should he arrive after a year and a day have passed since the court placed the property contested in its care, the law judges that he can no longer be granted a hearing regarding this case by law, for the claimant has won his case by law. But should he come before a year and a day have passed then by law he is obliged to render justice to the claimant over what the latter is claiming from him. For justice and the assizes decree lawfully and by sound judgement that no person should bring a case before a court of the burgesses other than that of the town in which the contested holdings, that is the houses, fields, gardens, vineyards or anything else happen to be, and this is what is lawful.

**Article 216 (Kausler, I, ccxxii). Regarding two brothers or two sisters who have not shared in common that which they have acquired or amassed, so that one is richer than the other, without including whatever was apportioned to them by their father or their mother, and what lawful obligations are owed by one brother to the other.**

Should there happen to be one, two, three, four, or five sons, or daughters, whose father has died without apportioning the property to each brother in a fraternal manner, and these brothers are all of legal age, with one having more than the other on account of what he has earned or what has come down to him, or has been given to him, or which he has acquired through good fortune, the law and the judgement of the court rule that it be decreed that since this property was not apportioned in court, nor did their father apportion it, the one brother is obliged to share with the other half of everything which they possess as soon as ordered to, for this is what is lawful. For the one brother is obliged to give to the other brother one half of everything which he ever came into from the day of his birth until the day on which they are summoned by the court, or before trustworthy witnesses, to apportion the property, unless it be the case that this particular brother took a woman in marriage, whereupon the law and the judgement of the court decree that he is not obliged to give any portion to his brother of those things which he obtained from his wife through marriage, either great or small, or as part of the dowry, according to the law and according to the assizes. And if his brother had ever stolen a sum of money and gave part of it to his brother, who knew well that he had stolen whatever he had given him a part of, the assizes and the law decree that he must have a corresponding share of the punishment accompanying this misdeed, as though he had been an accomplice to the theft. If, however, he did not know at all that what he had received a share of had been stolen, the law decrees that he is under no obligation to do anything, other than to return his share of whatever he has taken, without undergoing any other corporal punishment, in accordance with the law and with the assizes of Jerusalem.

This legislation, moreover, as stated above with regard to two brothers, also applies to sisters, so long as the brothers and sisters are genuinely born of the same mother and father, and not otherwise, for if they are all brothers from one father but many mothers, or from one mother but many fathers, they are not obliged to apportion everything with each other, but only one half, as stated above. Should there also happen to be a brother or a sister born out of wedlock, they have no obligations towards either him or her, for the law and the assizes quite properly judge that such children born out of wedlock should not share with one another in the above-stated manner, according to the law and according to the assizes.

**Article 217 (Kausler, I, ccxxiii). Regarding one who has pledged his house as security, or his land or vineyard, and the man or woman receiving it as security claim it to be theirs, what law should be applied over this injustice.**

Should it happen that a claim is submitted in court over one of these matters, that a man or woman gave their house, or field, or vineyard as security, and that the person holding this property as a guarantee states 'This house is mine, for it was given to me', or 'I bought it', or 'I held it for a year and a day without this being disputed or challenged, and so it is mine by law and according to the Assizes of the Kingdom of Jerusalem', the law, justice, and the judgement of the court decree that this declaration is worthless, for no sale between burgesses can take place without the court's knowledge, nor any donation without the court's knowledge, or without being witnessed by trustworthy persons, as it is otherwise invalid, and so the judgement of the court and the assizes lay down that if the man or woman pledging the article as security can prove with two witnesses that they were seen placing the security, the law decrees that the possessor must return the security by law and should lose<sup>402</sup> whatever he has lent, on account of having wanted to obtain something else through trickery. And in accordance with the law promulgated in the assizes, what was lent must be repaid before the court to which it should belong. And should the borrower have no witnesses who saw that he lent him the money, but received the security without procedure, between the two of them, the law decrees that if the lender is unable to prove in court from whom he bought the articles he should return them according to the law as stated above. But should he wish to prove through witnesses that he had been given the houses, or had them handed over as a gift, or had them sold to him, the law decrees that if this be the case then the person originally in possession of the houses, or of the article can challenge one of the witnesses to a judicial duel, if the lender himself is so badly injured that he cannot challenge him for this reason. And whoever wins the duel must by law also win the case. But know well that the two parties cannot fight a duel, if the issue of contention is not worth one silver mark or more, for so it is laid down according to the assizes and the law of Jerusalem.

402. The Greek text wrongly has 'receive'. See Kausler, I, 250, ccxxiii. For the sale of burgage tenures on Cyprus see Prawer, 'Burgage tenure', p. 260.

**Article 218 (Kausler, I, ccxxiv). What law should be applied when someone asks for something not owed to him, or for more than what is owed to him.**

Should it happen that a person summons to court some other man or woman because they owe him something, as when they owe him 20 bezants and he asks them for 100, doing this on account of guile, or if they owe him a horse or some other animal and he asks for two, then the law judges and resolves that it be decreed for such a person to be imposed a fine by the court equal to whatever he has falsely claimed, as well as losing whatever he should have lawfully received, for this is what is lawful and right according to the assizes.

**Article 219 (Kausler, I, ccxxv). The law which should be applied as regards things which are lost, and as regards slaves<sup>403</sup> taken away and led outside the boundaries of the kingdom.**

This law is one of the royal laws and is explained in Latin.<sup>404</sup>

**Article 220 (Kausler, I, ccxxvi). Regarding one who has lost his animal or some other item, and then finds what he has lost<sup>405</sup> in the possession of another, and what the law envisages in such cases.**

Should it happen that a person has lost an animal belonging to him, or some other moveable belonging, and subsequently comes across this animal, or the thing which he has lost, in the possession of someone else, the law and the judgement of the court decree that the person who has lost what is his and then finds it should recover it in the following manner. He should prove through two witnesses swearing on the Gospels that the animal or possession he is claiming is his, and that they saw him holding it and in lawful possession of it. Subsequently the person claiming the article must swear upon the Gospels that he neither sold the animal, nor had it sold on his behalf, nor gave it away, nor had it given away, neither pledged it as a security nor had it pledged as a security, neither lent it nor had it lent, but lost it in the manner stated, and then he can recover his possession, for this is what is right and lawful according to the assizes of Jerusalem.

**Article 221 (Kausler, I, ccxxvii). Regarding an animal or item which has been stolen, taken away to Muslim territory, and which is subsequently brought back into Christian territory. What entitlement should be accorded following this to the man or woman who had this item stolen or illicitly taken from him, or forcibly taken from him (or her).**

If it happens that some article or animal was taken away from some person, or removed by force, or illicitly led away, or taken by some other manner out of the confines of the kingdom of Jerusalem, and was taken into Muslim territory, and it then

403. The Greek version has 'captives', but the meaning is slaves. See Kausler, I, 251, ccxxv.

404. For the Latin text see Kausler, I, 251-253, ccxxv.

405. Kausler, I, 253-254, ccxxvi *add.* 'or his beast'.

happens that this article or animal was brought back into Christian territory, the law and the judgement of the court decree that whoever lost his animal or article has no right over it thereafter, since the thing was transported to the Muslims, outside the territories or boundaries of the kingdom, on condition that the person upon whom the animal or article is found should swear upon the Gospels and prove through two witnesses that he bought the article, or brought the animal over from Muslim territory, and on doing this he should remain by law untroubled, or acquitted as is said. But the law also decrees that the person who has lost the animal or article must have the following right, that he be able to regain his article by paying the other party as much as the latter can prove, under oath, to have bought it for in Muslim territory, for this is what is lawful. But the law also rightly decrees that before he takes back his article by paying as much as the other party acquired it for, he is also obliged to prove ownership, by producing two witnesses who should swear upon the Gospels that they saw him holding the article he is claiming and saw him in possession of it. Afterwards the claimant himself should swear upon the Gospels that he neither sold this article, nor gave it away, nor surrendered it as a security, but that he lost it in the manner stated. After that he can, if he wishes, take back what is his, by paying as much as the other party gave for it, for this is what is lawful. But should it be possible for anyone to find out or to recognise that the other party is indeed the thief who made off with this article, and saw him taking it while going away, or because he could find no witnesses who saw him purchase the article, nor saw someone give it to him in Muslim territory, the law and the judgement of the court decree as follows, that the person who had lost the article should take repossession of it in full, and that the thief should be hanged, for no worth should be accorded to the thief who went into Muslim territory with the claimant's article. Everything that the thief has, moreover, should be made over to the ruler of the country in whichever territory his misdeed had taken place in, for this is what is right and lawful according to the assizes of Jerusalem.

**Article 222 (Kausler, I, ccxxviii). Regarding one who has lost something and who specifies the day on which he lost it, and what law should be applied.**

If it happens that a person has lost an animal of his, and then finds it on another, and the person on whom the animal has been found then asks the person who lost the animal when exactly he had lost it, and he replies and tells him 'I lost it over Christmas', or 'over Easter', if the person currently possessing this object can then prove through two persons acting as witnesses that he was seen by them in possession of the animal, or of the article, one month prior to Christmas or Easter, then the person claiming the animal or the article can no longer have any rights over it, nor can he take it back thereafter. Should it happen, however, that he cannot prove that he had the article before the time stated, he must be considered by law as guilty of theft, and must be punished in such a manner as befits a thief proven guilty. This law likewise applies as regards all moveable things that are stolen.

If he can prove through two witnesses, however, that he had the article in question one month before the time he declared it to be lost, then the claimant has no right thereafter to take it back. For this reason no-one must specify a day on which his property was stolen, or removed, or illicitly taken away, for no one can force him to specify the day on which he lost his property, by law.



**Article 223 (Kausler, I, ccxxix). Regarding one who is in wrongful possession of something, and who on account of knowing this gives it as a dowry gift to one of his children, or to his relatives,<sup>406</sup> so as to be acquitted of this misdeed.**

Should it happen that a man or woman are in wrongful possession of something, and know well that they face a summons on account of it, and give this thing to another by way of security, or as a gift, or give it as a dowry so as to have the opportunity to transfer the theft by guile onto another party, or because they do not want anyone to issue a summons against them, but against the person given possession of the article instead, the law decrees and judges that the following judgement should be passed. The man or woman lawfully entitled to this article can ask for what he wants from both parties, either from the person to whom it was given or who is in possession of it, or from the person who sold it to him or who gave it through guile.<sup>407</sup> He wins his case through the assessors' judgement, for the law decrees that the person in wrongful possession of the article will be obliged to return it, according to the lawful judgement. Even if it be the case that he gave the article to a third party, the law decrees that since the claimant should receive his due, he is not obliged to issue a summons against the third party, by law and according to the assizes of Jerusalem.

**Article 224 (Kausler, I, ccxxx). Regarding one who places his claim in the power of two or three persons, or as many as he wants, and what the person not abiding by the judgement of the mediators, or *arbitres* as they are called in French, should lose.<sup>408</sup>**

If it happens that a dispute takes place, or that one party lays a claim for something from another party, and it happens that both sides simultaneously place the matter in the power of two or more persons, and come to court asking for its consent, the law requires that the court be obliged to give its consent. The law also decrees that if the two persons to whom the issue has been assigned are unable to reach an agreement, they can easily summon a third prudent person to join them, or another two. When, moreover, they have agreed on the truth of the matter through their knowledge, the law and the judgement of the court decree that the parties to the dispute are obliged to confirm and abide by their judgement. If one party does not abide by the judgement and it remains unfulfilled on his account, the law and the lawful judgement decree that the party on whose account it remains unfulfilled should lawfully lose the claim of his case, and that the other party should win it, and even if they had judged that the recalcitrant party had won the case, they should not grant him the victory.<sup>409</sup> The recalcitrant party is obliged, moreover, to pay the penalty imposed by those to whom both parties had assigned the judgement of the case, and because the judge-

406. Kausler, I, 255, ccxxix *add.* 'gives it as security to another, or sells it secretly'.

407. Kausler, I, 255, ccxxix *add.* 'And if he claims it firstly from the person who gave it away through guile ...'.

408. Kausler, I, 255-256, ccxxx has '... and what he who does not abide by their judgement should lose'.

409. Kausler, I, 255-256, ccxxx has 'as though they had judged that he (i.e. the party abiding by the decision) had won the case'.

ment remained unfulfilled on his account, which is to say that the party at fault can escape neither their power nor their judgement.<sup>410</sup>

Should the persons with the issue in their power are more than four or five, and they cannot all agree, the law and the judgement of the court decree that the agreement reached by the majority should be lawfully valid and should be implemented. And if they cannot agree, then the issue can easily be placed in the power of the court, or in the power of other arbitrators, if they wish. For this is also right and lawful according to the assizes of Jerusalem.

**Article 225 (Kausler, I, ccxxxi). Regarding all summonses against doctors, regarding wounds which they mend, or where they incise a wound other than as they should, on account of which the wounded person dies, and what law should be applied to such a doctor.**

If it happens by some misfortune I take in a slave of mine, male or female, or some other person suffering from an open wound,<sup>411</sup> and I call a doctor, who reaches an agreement with me and having taken my money states that he will heal that person by the third day, since he has examined the wound without hindrance, and it then happens that he performs bad surgery, cutting him where he should not have cut him, and so he dies, or dies because the doctor should have lanced the wound or have opened the swelling or boil lengthways, but instead lanced it sideways, or transversely as it is called, the law and the judgement of the court decree that he should be sentenced as follows. The doctor should by law offer as compensation for the deceased male or female slave the slave's value on the day that he or she was injured, or offer as much as the master paid for when buying his slave. For this is what is right and lawful according to the assizes. The court likewise should have that doctor expelled from the city in which he performed this bad surgery.<sup>412</sup>

Likewise, if my slave had an injury in a warm place, and the doctor should have placed warm things on it, as when the injury is sustained on the brain, or the nerves, or the joints, which are cool by nature, if he invariably placed cold objects there, causing the patient to die on account of this, the law judges and decrees it to be judged that he be obliged to make good the value of that slave, male or female, for this is what is right and lawful. Likewise if my slave has a boil in a dangerous place, and needs some pliable things in order to soften and mature the boil, and bring out the malignant substance, should the doctor apply warm and dry substances on the spot, on account of which the malady caused the patient internal damage and his death, the law decrees that he is obliged to pay me for the slave by law. Likewise

410. See *The Cartulary of the Cathedral of Holy Wisdom of Nicosia*, ed. N. Coureas and C. Schabel (Nicosia, 1997), no. 90 for an instance of arbitration on Cyprus. For arbiters in canon law see Jane Sayers, *Papal Judges Delegate in the Province of Canterbury, 1198-1254* (Oxford, 1971, repr. 1997), pp. 104-109 and 241-242.

411. Kausler, I, 256-258, ccxxxi has 'If it happens by some misfortune that I wound a male or female slave of mine, or someone else has wounded him'.

412. For a comparison with Roman law see *Justinian's Institutes*, 4.3.6.

should my slave have a head injury, in such a manner that his bones are fractured, should the doctor not have known how to open the wound, but treated it in such a way that the fractured bones came into contact with the brain, and so he died, the law decrees that he is obliged to compensate me for him by law.

Likewise should my slave have a head injury, or an injury on the muscle of his hand, or in some other dangerous place, should the doctor have taken one or two days to come and dress the wound, or else have placed warm things on it, on account of which the muscles of his hand or of his foot or thigh went rotten, or should the wound have become gangrenous because it was not treated every day and he died because of this, the law judges and decrees that it be judged that the doctor is obliged to make good to me as much as that slave was worth, for this is what is right and lawful according to the assizes of Jerusalem.

Likewise, if the doctor can prove before the court by producing reliable testimonies that the person in his care slept with a woman, or drank wine, or ate some food as was forbidden to him, or did something irregular all of a sudden, the law decrees and the judgement of the court ordains that even if the doctor did not treat him properly, he is not obliged to return anything to him, for it is more clear and understandable that the patient died on account of not keeping to the diet prescribed for him by the doctor,<sup>413</sup> and this is what is right and lawful according to the assizes. If, however, the doctor did not prohibit him from eating and drinking, or from touching a woman, and he ate and drank and slept with women without restraint,<sup>414</sup> the law decrees that the doctor is lawfully obliged to pay for the slave, for the doctor is legally obliged at once, as soon as he sees the slave's master,<sup>415</sup> to decree what he should or should not eat. Should he not do this and the slave comes to harm the liability must rest with the doctor.

Should it happen that the doctor has undertaken to visit a patient and cure him, but has undergone danger of capture by the Muslims, or has fallen sick, or has suffered some mishap on account of which he was unable to come and visit the patient, who then died, the law decrees that the doctor is not legally obliged to offer any compensation. But should it happen that the doctor had treated the patient so badly, as stated above, and he was a free man or woman, and he or she died as a result, the law decrees that this doctor should be hanged, and that all his belongings should lawfully go to the ruler of the country. Should the doctor, moreover, have taken anything from the deceased, it must be returned to the latter's relatives from the personal belongings of the doctor, for this is what is lawful. Likewise should the doctor have treated a male or female slave of mine with a broken hand or foot, having declared his intent to treat him properly, and to cure him if he could, and furthermore having placed his hand on oath, if he then took him and administered such bad treatment with his plasters that it did the slave no good, and he remained permanently maimed

413. Kausler, I, 257, ccxxxi *add.* 'rather than because of bad medication'.

414. Kausler, I, 257, ccxxxi *add.* 'and so he died'.

415. Kausler, I, 257, ccxxxi has 'the patient' instead of 'the slave's master'.

thereafter, the law decrees that the doctor should take the slave and pay his master as much as he had cost him. Should it be beyond the doctor's power to pay the whole amount, the law decrees that the doctor is obliged to leave the slave with his master, or mistress, on condition that the doctor should pay them the amount by which the value of the slave, male or female, had dropped on account of the slave being maimed through the doctor's own fault.

Should the doctor, however, have maimed a free man or woman of the Christian faith in this manner, the law judges that he should lose his right hand, and suffer no further loss, unless he has taken some money from the person in order to cure him, for he is obliged to return it by law.

**Article 226 (Kausler, I, ccxxxii). Regarding veterinary surgeons, when on account of their bad supervision or surgery, or their incompetent shoeing of horses they maim a beast, and who should pay for the wounding of the horse of a knight or burgess, or of the person it belongs to.**

If it happens on account of some misfortune that some person, whoever he be, whether a knight or a burgess, sends his horse for shoeing, or for treatment to a blacksmith, who then treats the horse so badly as to wound it, or so as to cause its death the law decrees that if the owner of the horse was a liegeman, the blacksmith should pay him 50 bezants for the horse,<sup>416</sup> and twenty bezants<sup>417</sup> if the animal was a mule or a bullock, on condition that the wounded or dead animal along with its hide should go to the blacksmith or farrier.

Should it happen, however, that the owner of the horse maimed or which has died was a burgess, or a knight other than a liegeman, the law decrees that the blacksmith in question is obliged to provide another horse, like the horse which has been maimed or which has died, or else as much money as the horse was worth on the day on which he took it in for treatment, that is for curing it, for this is what is lawful.

But should it happen that the person about to shoe the horse drove a nail into it, causing water to enter thereby, and the animal was maimed, the law judges that he is obliged to make good, or make amends as is said colloquially,<sup>418</sup> the whole of the animal's worth, less what the animal is now worth on account of having been maimed, for this is what is lawful.

Likewise, should I send my beast to a farrier or blacksmith to extract the claws from its eyes, and he performed this so badly as to take out the eyes themselves, so that the animal can no longer see anything, the law judges and decrees that the blacksmith be sentenced to return such an animal as is of equal value to the one blinded, or the worth of that animal, by law and according to justice.

416. Kausler, I, 258-259, ccxxxii has 'ten bezants'.

417. Kausler, I, 259, ccxxxii has '30 bezants'.

418. Kausler, I, 259, ccxxxii *om.* 'or make amends as is said colloquially'.

Should I have sent an animal of mine to a blacksmith for him to cure it, and it so came about that he cured it so badly that he killed or maimed it on account of that cure, the law judges and decrees that the blacksmith in question is obliged to make good its loss according to the law and the assizes.

As regards every damage which a blacksmith might wreak on my beast, whatever the nature of it, on account of his incompetence and ignorance, and on account of not knowing how to execute the task, which he committed himself to doing thoroughly, the law judges and decrees that he be sentenced as follows, that as regards every task undertaken by a craftsman in which he destroys or worsens what belongs to another, the craftsman in question is obliged to make good the damages, by law and by the assizes of Jerusalem.

**Article 227 (Kausler, I, ccxxxiii). Regarding the medicaments and actions of doctors who administer to a patient some syrup, or some potion, or some laxative, on account of which, and because of the doctor's negligence, the patient dies.**

If it happens by some stroke of fortune that a male or female slave of mine fell ill with a stomach complaint and a doctor then comes before the master or mistress of the slave, declaring that he can cure him properly with great pleasure, and comes to an agreement with the master regarding a fixed payment, and it then happens that the doctor administers laxatives or hot substances to the slave, and on account of these things the whole of his liver had gone rotten and descended down to his intestine, and the doctor should administer cold and drying substances, but fails to do so as prescribed, thereby causing his death, the law judges and decrees that this doctor is obliged to have returned to me a similar slave, or else the price representing the cost of the deceased slave on the day of his death. For this is what is right and lawful according to the assizes.

Likewise should it happen that a slave of mine has fallen ill with fever, that is to say that his body has a high temperature, and the doctor cut open his veins before the proper time in which to do so, and drew out so much blood that the patient, on account of the weakness brought on by the fever, which had shattered him, and due to the cutting of his vein suffered the fever to rise to his head, and went mad and died, the law decrees that the doctor is obliged to offer compensation, in accordance with the law and the assizes, amounting to as much as that slave was worth on the day he died, or as much as he had cost when first purchased, for this is what is right and lawful according to the assizes.

Likewise should it happen that one of my own slaves<sup>419</sup> suffers a chill and has fallen ill with a cold, and a doctor comes forward and declares before his master 'I will cure him properly', coming to an agreement with the master and promising to cure and make him better, and it then happens that he cuts open the slave's veins while he is cold, and does so on account of his stupidity, not knowing how to diagnose his illness properly, nor being able to judge the reasons why the patient has

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419. The Greek text omits 'slaves'. See Kausler, I, 260, ccxxxiii.

developed a dry cough, or has lost his speech, or has a dry chest on account of the chill he is suffering, and because of the phlebotomy which the doctor had done to him, so that the slave dies, the law judges that the doctor is obliged by law to make good and return to the slave's master or mistress as much as he had cost the master or mistress, for this is what is right and lawful according to the assizes.

Likewise if I had a male or female slave suffering from dropsy, that is to say that his stomach was distended, and a doctor took him in order to cure him according to an agreement concluded, and this doctor cut open his stomach at the location of the malady, but did not know how to extract the water inside properly and with moderation but allowed it to spill out all at once during the first or second attempt<sup>420</sup> so as to weaken him, causing him to lose his breath and die, the law judges and decrees that the doctor is obliged to return another male or female slave, according to the law and according to the assizes.

Likewise if a slave of mine has fallen ill on account of daily inflammation of alternating fever and chills, and a doctor comes to his master or mistress and declare that he will cure him with a purgative plant, coming to an agreement with his master to do this, and he takes the slave to cure him, and then gives him the medicament early in the evening, or at midnight, and the plant contains such a degree of scammony, and was so powerful, that the slave died as soon as he drank it, or else his stomach descended to his intestines to such an extent that before daybreak he excreted everything which was inside him, including his liver,<sup>421</sup> and he died, or<sup>422</sup> because the doctor did not treat the patient in the manner required and administered the herb so that nothing could enter the intestine, the law judges that if the slave died on account of any of these causes then the doctor is obliged to provide a replacement, by law and according to the assizes.

Likewise if a slave of mine falls sick in his anal passage, and a doctor comes forward promising to cure him properly, having reached an agreement with the slave's master to take him in his care and cure him, and it then happens that he gives him some powder or some powerful herb to drink, and on drinking it the slave dies, the law judges that he is obliged to make amends, that is to have him replaced,<sup>423</sup> according to the law and the assizes. Likewise if a slave of mine has a problem with his anal passage, and a doctor undertakes to cure him, and it happens that he takes a red-hot iron with the intention of cauterising the passage from which the malady originates, but does not know how to do this but instead burns it and turns the end of the other large intestine, causing the intestine to become blocked and sealed on account of the burning in such a manner that no more water can pass through the intestinal tubes, and the slave dies, the law judges and decrees that the doctor is lawfully obliged to provide compensation for this slave, amounting to as much as he had cost his master, by law and according to the court's judgement.

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420. Kausler, I, 261, ccxxxiii *om.* 'so as to weaken him'.

421. Kausler, I, 261, ccxxxiii *add.* 'and lungs'.

422. The Greek text wrongly has 'and'. See Kausler, I, 261, ccxxxiii.

423. Kausler, I, 261, ccxxxiii *om.* 'that is ... replaced'.



Likewise if I have a slave who has fallen sick with leprosy, or with dry flaking skin, or with some other malady and I come before a doctor and reach an agreement with him that should he cure him then one half of his sale price should go to him, and the other half to the master who had bought him (i.e. myself) and the doctor then takes him in for treatment, doing whatever he knows, but it is of no avail and the slave dies, the law judges that the doctor is not lawfully obliged to pay anything regarding this mishap, for he has already lost his labour and exertions and everything which he was due to receive, and this is what is right and lawful in accordance with the assizes.

Similarly, if a doctor subjected a free man or a free woman to such a form of medical treatment, the law judges that the doctor should be hanged, and that all his possessions should go to the ruler of the country. But before he is hanged, he should be taken around the town holding a urinal, for this is what is laid down and lawful, so as to instil fear among the remaining doctors not to commit malpractices, for this is what is lawful. And know well that for all these wrongdoings two witnesses must testify, before the doctor is apprehended, or struck off the list, should the doctor deny that the alleged event took place, and that he treated him in the manner stated above. This is to say that the two witnesses must swear upon the Holy Gospels that they saw the doctor administer treatment to the patient in their presence with such herbs and with such syrups, and that the patient who had some other illness died from them, and that they heard the patient declare that he indeed felt within his body that he was dying because of what he had given him. Following this they should lawfully seize him for the manslaughter of this free person or slave, and he should be liable to pay for the slave who died, or to be hanged for the death of the free person, as is stated above, for this is what is lawful. Otherwise he should not be considered guilty on the grounds of what people or the patient have stated, and with no additional proof.

Likewise no foreign doctor coming from overseas or from Muslim territory should be entitled to administer cures for urinary complaints to anyone until he proves his skills before other doctors, the best in the country, and before the bishop, and this should firstly take place in his presence. Should it be acknowledged that he is a proper practitioner of medicine, he should be given a permit to practise medicine by the bishop, so that he can henceforth practice medicine in the city, or wherever else he wishes with the bishop's permit and with attestations that he is a certified doctor. He can then administer cures for urinary complaints wherever his services are required, and this is what is right and lawful according to the assizes.

Likewise should it be the case that he is not a competent doctor and cannot practise medicine, the law decrees that the bishop and the court should issue orders for him to leave the city without administering treatment to anybody.<sup>424</sup> Should it happen, moreover, that a doctor was so bold as to practise medicine without permission, the court should apprehend him and have him driven outside the city, by law.

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424. Kausler, I, 265-266, ccxxxiii has '... for him to leave the city or, if not, for him to stay in the country without practising medicine'.

**Article 228 (Kausler, I, ccxxxiv). The number of reasons for which a father<sup>425</sup> can disinherit their children, by rights and by justice, and according to the assizes of Jerusalem, as well as by the law itself.**

Should it happen by some mishap that a son or daughter raise their hand against their father or their mother and batter them, the law decrees that this child is disinherited for having wilfully acted in such a manner against his father or mother.

The second reason for which a father or mother can disinherit their children is if the children commit an extremely shameful deed against their father or mother, for this is what is right and lawful.

The third reason for which the children can be disinherited is if they bear or give false witness against their father or mother over some unlawful deed, and so they are summoned to court, so that on account of them nothing remains other than their father or mother being subjected to great opprobrium.

The fourth reason for which the children can be disinherited by their own parents is if these children have performed some action whereby they intended to cause the death of their father or mother.

The fifth reason for disinheriting them should take place if the son goes to bed with his stepmother, or if the daughter goes to bed with her stepfather.

The sixth reason is if the son or daughter unjustly and of their own free will have their mother or father summoned to court for some wrongdoing, with the father or mother suffering great harm on account of the protracted, that is prolonged course of the proceedings effected by the son or daughter in connection with the summons.

The seventh reason is if the father or mother are in gaol in Muslim territory over some bail, and they ask the children to offer bail in place of their father or mother until they can acquire what is theirs, but the son (or daughter) is unwilling to provide bail for him (or her).

The eighth reason for the children being disinherited from receipt of their parents' possessions is if their father or mother are gaoled in Muslim territory, and even though the children can well afford to ransom them, they are unwilling to have them released from gaol.

The ninth reason is if they hindered their father or mother from making a will, or from making a bequest either to Our Lord or to anyone else.

The tenth reason is if the son or daughter consort with jugglers without the consent of their father or mother, with the son becoming a juggler and the daughter becoming a prostitute and becoming available to all, and her father or mother wish to marry her but she refuses.

The eleventh reason is if the father or mother are insane and their children do not look after them, and do not do what they should for them, on account of which the

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425. Kausler, I, 266-268, ccxxxiv *add.* 'and mother'.

father goes off and has a fall, breaking his spine, or else suffers some other harm. The law judges that those belongings of the father or of the mother which should have gone to the children had they not mistreated them should lawfully go to the ruler of the country.

The twelfth reason is if the father is Orthodox<sup>426</sup> and the son or daughter are heretics, or Paterines,<sup>427</sup> even though the father or mother are of the true faith.

**Article 229 (Kausler, I, ccxxxv). The number of reasons for which sons can disinherit their fathers or mothers from acquiring everything they have.**

There are seven reasons for which children can disinherit their fathers or mothers.

The first reason is if the father or mother desired to kill his (or her) children through nobody's fault.

The second reason is if the father or mother wished to poison their children, or to betray them<sup>428</sup> in order to take possession of their property.

The third reason<sup>429</sup> is if the father or mother instructed their son not to receive communion, on account of which he did not make a will regarding his property, and so died without having confessed.

The fifth reason<sup>430</sup> is if the son or daughter are imprisoned in Muslim territory on account of their [father] and mother, who are unwilling to ransom them out of their misery.

The sixth reason is if the children are of the true faith, but the father or mother is a Paterine (i.e. a Cathar).

The seventh reason is if the father or mother goes away to become a Muslim, or to become Jews or Samaritans.<sup>431</sup>

For all the above issues and matters it is right and lawful moreover, that matters take place in accordance with the law and the Assizes of the Kingdom of Jerusalem, these having been promulgated by King Baldwin of Borc, may God forgive him.

426. Kausler, I, 268, ccxxxiv has 'of the true faith'. For the Greeks of Cyprus this was the Orthodox faith, for despite the formal subjection of the Greek church of Cyprus to Rome in 1260 most Greeks continued to identify with the Orthodox patriarchate of Constantinople.

427. These were members of the Bogomil or Cathar heresy, for which see S. Runciman, *The Mediaeval Manichee* (Cambridge, 1952) and M. Lambert, *The Cathars* (Oxford, 1998). This reference to them in the Assizes indicates that they were also in Latin Syria, and possibly in Cyprus.

428. Kausler, I, 269, ccxxxv *om.* 'or to betray them'.

429. In Kausler, I, 269, ccxxxv this passage appears as the fourth reason, and the third reason, omitted in the Greek text is 'if the father wishes to kill the mother and her children, or if the mother wishes to kill the father and his children'.

430. See the preceding note.

431. Kausler, I, 270, ccxxxv has 'Muslims' instead of 'Samaritans'.

**Article 230 (Kausler, I, ccxxvi).** Now will be explained those matters regarding customs duties payable in the market court, for it has been established over which things judgement must be passed and over which things it must not, and what duties are payable by those arriving by sea, and by those arriving by land. But the following will be entered first.<sup>432</sup>

Regarding the laws on stolen goods, since those on other crimes have been explained.<sup>433</sup> **Article 231 (Kausler, I, ccxxxix-ccxl).** The laws regarding stolen goods, since those regarding other crimes have been explained. This law is given in Latin.<sup>434</sup>

**Regarding the thief caught in the act of stealing someone else's goods, and the obligations attendant on whoever has apprehended this thief, whether a man or a woman.**<sup>435</sup>

Let everybody know well that should it happen that a person apprehends a thief stealing his goods, at whatever location he may encounter him laying a hand on his belongings, he is obliged by the judgement of the law to bring him to court, that is to say that he should turn him over to justice along with as much as he has stolen. Should it, moreover, happen that he or she who have apprehended the thief do not turn him over to justice, but having caught him then let him go, the law decrees that the person apprehending and then releasing him is obliged to give the same penalty to the court as the thief would have received had he been brought before the court, for this is what is lawful. But if he let him go involuntarily, the law judges that he is not liable to any penalty on account of this thief, according to the law and according to the assizes of Jerusalem.

**Article 232 (Kausler, I, ccxli).** What should be done regarding a thief who is caught in the act, manages to escape, is called after and pursued, and is caught<sup>436</sup> on account of the cries made after him.

If it happens that by some chance a thief enters the house of a woman, or of a man, and that the owner of the house realised a thief was present and wished to capture him but was unable to because the thief escaped, and so he shouted after him 'stop thief!, stop thief!', and it so happened that the thief was lawfully apprehended on account of his cries, and the neighbours wish to swear justly that they saw the thief coming out of the house of the man or woman who had been shouting 'stop thief!', the law judges that this thief is guilty without recourse to trial by battle, as an attested, that is to say proven, thief.

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432. In the Greek text the laws on customs duties appear at the very end (Articles 294-297).

433. This sentence refers to Article 231, not article 230.

434. For the Latin text see Kausler, I, ccxxxix.

435. This heading has a new chapter number in the French text (Kausler, I, 289-290, ccxl).

436. The Greek text wrongly has 'escapes' instead of 'is caught'.

Even if it were the case that the neighbours did not see the thief coming out of the house, but heard a voice crying out behind him, or saw the thief seizing the cloth he had stolen, or saw him throw it down and escaping, and so the thief is captured,<sup>437</sup> and the thief denies this, stating he is not a thief, and the neighbours wish to swear on the Gospels that they saw the thief throw down the piece of cloth and escape as has been said above, the law judges that the thief is guilty without resort to trial by battle, according to the law and the assizes.

**Article 233 (Kausler, I, ccxlii). Regarding who should obtain that which the thief is holding, the person who seized him or to the court.**

Know well that should it happen<sup>438</sup> that a man or a woman apprehend a thief in their house or in another place, and that the thief has some article or piece of cloth on him, and the person apprehending the thief wishes to take the articles or the cloth which is upon him the law judges that he has no claim upon this article. But if the thief had stolen something from him or had caused him damage then the court should by law compensate him for all this damage from the thief's effects, and all which remains from the effects of this thief should belong to the ruler of the country, by law and according to the assizes.

**Article 234 (Kausler, I, ccxliii). Regarding the Muslim thief who has been found in the house or in the garden of another.<sup>439</sup>**

Should it happen by chance that a thief reaches the house, or the vineyard, or the orchard of another person, and they sense him and run after him in order to catch him, but they fail to do so, and it happens that they come across one of the articles of this Muslim thief, the law decrees that everything taken from this thief should be handed over to the ruler of the country, on condition that the lord is obliged to make good the damages caused by this Muslim to the property of the owner. Should this be true he is obliged to make good the damages by giving up to the value of whatever has been taken from the thief.<sup>440</sup> If it is worth more than the damages, the article should belong to the ruler of the country, and if worth less, then the ruler is not obliged to offer any additional compensation for the damages, other than to the extent that has been stated above, for this is what is lawful.

**Article 235 (Kausler, I, ccxliv). Regarding the thing stolen, and which has subsequently been found on another person.<sup>441</sup>**

Should it happen by chance that something has been stolen, which is then found upon another man or woman, and the person on whom the object has been found is asked

437. The Greek text omits 'and so the thief is captured'. See Kausler, I, 290-291, ccxli.

438. The Greek text omits 'should it happen'. See Kausler, I, 291-292, ccxlii.

439. The Greek text has mistakenly reversed the order of the headings of articles 234-235, which has been corrected here. For the correct order see Kausler, I, 292-294, ccxliii-ccxliv.

440. Kausler, I, 292-293, ccxliii *add.* 'and no more'.

441. See note 439.

'where did you take this article from?', and he replies 'I bought it', and is then asked 'from whom did you buy it?', and he states 'I do not know from whom I bought it', the law decrees and judges and decrees it to be judged that if the person from whom the article was stolen can prove through two trustworthy witnesses prepared to swear upon the Gospels that they saw him in possession of this article, and holding it, and that it was stolen from him, he should recover it in the following manner. The person claiming the article stolen from him should swear upon the Gospels that the article was indeed stolen from him, and that he neither sold it, nor gave it away, nor gave it as a security, but that he lost it on account of theft as he had stated. Following this he should take back what is his or his article in full, and without being troubled. After that the person on whom this article has been found is obliged to swear upon the Gospels that he neither stole this article, nor gave his consent for it to be stolen, nor did he buy it from a thief to his knowledge. Should he, moreover, be able to set eyes on or recognise the person who had sold him this article then he should do everything in his power to have him brought to court, for this is what is right and lawful according to the laws of Jerusalem. And he should lose<sup>442</sup> as much as he has given for buying it in a furtive manner. But should he know the person who has sold him the article, then the seller is obliged to make good in full what he has sold him, or else to give him back the price he has been given for it, for this is what is right and lawful.

**Article 236 (Kausler, I, ccxlv). Listen [to the law] regarding one who is denounced as disloyal, or as a murderer, and who does offer any defence, that is he does not contradict that which as been attributed to him.**

Should it happen that a person is in court, and another person comes forward and says 'Sir, this man is an attested thief, and he is faithless, and I am prepared to prove this in a judicial duel, and wish to prove it thus, as the court sees fit that I should prove it to him, and so hold my pledge regarding this', the law judges that should it happen that the other person offers a defence, he acts well. Should he not offer a defence, nor provide a pledge that he will likewise defend himself, but instead says nothing by way of protest, the law judges that he is guilty of the charge the other person brings against him, and the law furthermore judges that he should be sentenced according to the charge levelled against him by the other person, unless he had offered a defence, for this is what is right and lawful according to the assizes.

**Article 237 (Kausler, I, ccxlv). Regarding one who has stolen a horse and is then found riding the same horse, and what law should be applied.**

Sir Michael came to court and court and said 'Sir, I summon Sir Robert before you, who stole from me this horse which was mine, and so I wish to have him convicted guilty as a thief, if the court so judges'.

Sir Robert then replies 'Sir, God forbid that I was ever a thief, nor do I wish to offer a defence against him unless the court judges that I should answer him. Should the court, moreover, decide that I must answer him, let me tell you that this horse is mine, for I bought it from Sir Mark of Jerusalem with my own money'.

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442. The Greek text wrongly has 'to take' instead of 'to lose'. See Kausler, I, 294 and note 1.



With this in mind, the court must by law decide that if Sir Mark of Jerusalem offers testimony that he indeed sold him that horse, Sir Robert should thereafter be untroubled regarding the theft by law. He can subsequently have Sir Michael lawfully summoned on account of the defamation and infamy he had levelled against him. The law judges and decrees and orders sentence to be passed that Sir Michael be liable to receive the same penalty as Sir Robert would have received had he been found guilty of the charges of theft levelled against him, and this is the law applicable to all who impute others with such falsehoods, and nothing remains other than to impose the proper penalty on him or her who attributed the crime to someone else.

Should it, however, be the case that Sir Mark of Jerusalem denies that he had ever sold the horse to Sir Robert, and Sir Robert has two witnesses able to offer reliable testimony that Sir Mark had indeed sold him that horse, the law judges and decrees that this type of summons be judged as follows. Sir Mark is considered guilty as a proven thief for having denied it, whereas Sir Robert testified it as he should have.

Should it be the case, however, that Sir Robert does not have the witnesses as stated above to testify that Sir Mark sold him the horse, then Sir Robert is to be considered guilty as a thief, for having maintained that another person had sold it to him and because he is holding the stolen article claimed. In this manner Sir Michael should be able to win his case and take back his horse without any trouble, and the person who stole it should be hanged by law and according to the assizes.

**Article 238 (Kausler, I, ccxlvii). Regarding the word and testimony of a thief, whether it is of any use, that is to say whether it is valid, and how he should be dragged out of the city and hanged.**

Should it happen that a person has been convicted of theft or of some other evildoing, he has been sentenced to be hanged or burnt and the viscount and the assessors ask him 'Where are your other accomplices in this crime?', should he name anyone, the law judges and orders that this be judged as follows. He should be neither listened to nor believed regarding anything he says against anyone else, nor is anyone obliged to reply to anything he says by law. And this is why the law and the assizes decree that he should be blindfolded with a cloth, when he is conducted through the city with town criers on his way to the scaffold, lest he should see anyone. For should he cast eyes on someone, he might wish to say about all those following him whom he happens to hate, or with whom he has found fault, that they are all thieves and likewise evildoers, as is he, and in this manner he would bring great shame and disrepute upon people, and many other evils would ensure thereafter. On account of this he must not be able to see, nor should he be believed regarding anything he says, by law and according to the assizes.

**Article 239 (Kausler, I, ccxlviii). Regarding one who has taken money or anything else off a thief whom he has apprehended, and on account of doing so has let him go, allowing him to escape.**

If it happens that a person catches a thief in the act of stealing in his own house, and having caught this thief reaches an agreement with him, regarding money which he

takes off the thief, releasing him and letting him escape untroubled, the law decrees that the man or woman doing this must lose anything he has acquired and that it should go to the ruler of the country. Likewise his own person is subject to the same penalty as would have been administered to the thief, had the latter been found in the city and handed over to the court, for this is what is right and lawful.

**Article 240 (Kausler, I, ccxlix). Regarding the male or female slave who has escaped to a Muslim country, and who then returns to a Christian land, and what rights his former master should have over him.**

Should it happen that a male or female slave runs away from his master or mistress, whether he be a Jew, or a Christian, or a Samaritan, or a Syrian, or a Muslim, and having escaped to a Muslim country wishes to return to a Christian domain in order to be a Christian, the law judges that neither his master, nor his mistress, nor whoever he had belonged to have any authority over him any more, since he had such prescience as to leave an evil governance for a good one. Instead he is the master of his own person thereafter, and can do his will wherever he wishes, for this is what is right and lawful according to the assizes. For this is the reason why the land is called that of the Christians, and the people in it are called free, that is Franks, and this is the reason why all should be free to enjoy all benefits.

But should that male or female slave of mine escape to a Christian country, even if it should be the case that he became a Christian there, the law judges that only his master or his mistress may take possession of him, and his person is to be returned to its former servitude, for this is what is right and lawful. And he (i.e. the master) can resell this Christian afterwards, but not to a person of another faith, that is to say he must sell him to Christians, and not to those of another creed,<sup>443</sup> for this is what is right and lawful, for the slave had escaped on account of his faithlessness, and to escape servitude, and for no other reason.

**Article 241 (Kausler, I, ccl). Regarding a stolen article that has been put up for sale, what law should be applied to the article and to the seller.**

If it happens by some chance that a thing has been stolen, and has then been given to a town-crier in order to be sold, and the article has then been impounded as having been stolen, and the viscount asks the town-crier 'Where did you acquire this stolen article from?', and the town crier replies 'Sir, this person called Sir Martin gave it to me for it to sell it', the court must arrange for Sir Martin to be sent for. Sir Martin then answers and declares before the court 'God forbid that I ever gave him this thing so that he could sell it!'. The viscount then says to the town-crier 'Have you a witness to the fact that this Sir Martin gave you this article for you to sell?'. The town-crier replies to him 'No sir', and the viscount will then say to him 'I therefore seize you as a thief!'. The town-crier then says to him 'Sir, I would have too much to do if I nominated witnesses for every article given to me for me to sell and so I do not wish to be considered guilty if the court does not consider that I could be guilty instead of

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443. Kausler, I, 299-300, ccxlix *om.* 'that is to say ... another creed'.

the other person, for I am ready to do that which the court considers I must do, for I am not a thief, nor did I acquiesce to the theft'.

The law decrees that the lawful verdict to be reached in this case is that the town-crier should not be considered guilty of theft because he was never previously seen as having had any bad charges of theft brought against him. Likewise town-criers cannot be obliged to have witnesses provided every time over all the articles which they sell, whenever people hand something over to them for them to sell. But the law judges that the town crier should swear upon the Gospels that he did not steal the article, nor gave his consent to its theft, but was given it for sale by the other party as he had said. The seller, that is the town crier,<sup>444</sup> should thereafter remain untroubled, and the person to whom the article belonged should then take it back untroubled as something that is his, for this is what is lawful.

**Article 242 (Kausler, I, ccli). Regarding bees, and to whom the honey produced by them on another tree, or in another field or hive, should belong, without anyone being entitled to take it forcibly from there when it was in the hive of another.**

Should it happen that those bees that are in my hives go out and remain in other hives of their own free will, the law judges and decrees that I have no right thereafter to go and forcibly take their honey from another hive. For these are wild animals, and so as soon as they leave my hives I lose all entitlement over them until they should return to my hives, for they are mine for as long as they are in my hives, and not for any longer. For such is the law regarding those animals that go out on a daily basis to find their sustenance. And on account of this all who have them enclosed in their hives are their masters<sup>445</sup> so long as they wish to return.

Should someone, however, come to my apiary, or to some hive that was completely empty and place some paste in it in order to entice the bees to enter, and the bees do so, enabling him thereby to take my bees or half of them away, the law judges and decrees that it be judged that the person acting in this fashion should be obliged first of all to return those bees to my apiary along with everything which they have made in the hive since he took them. The law then decrees that he should be liable to a fine and should pay damages in person to the amount, as estimated by the assessors, as represents the value of what those bees stolen from me could have produced within a year and a day. He should be liable to damages to this degree, and must return this amount to justice according to the law and the assizes.<sup>446</sup>

Likewise, should my bees make honey in another tree, the law judges that neither I nor anyone else who had the bees previously have any entitlement over it, for

444. Kausler, I, 300-301, ccl *om.* 'that is the town-crier'.

445. Kausler, I, 302-304, ccli *add.* 'so long as they keep them in their hives'. For a comparison with Roman law see *Justinian's Institutes*, 2.1.14. For bee-keeping on medieval Cyprus see also J. Richard, 'Agricultural Conditions in the Crusader States', *A History of the Crusades*, ed. K.M. Setton, 6 vols. (Philadelphia/Madison, 1955-1989), VI, 280.

446. The Assizes differ in this respect from Roman law. *Justinian's Institutes*, 2.1.14 state that another person hiving the bees becomes their owner.

as much as they make is due to the person owning the tree. This, moreover, is what is lawful, for no person can rightfully claim recognition regarding those bees, which do not resemble the other bees. On account of this a law has been passed that since bees derive sustenance from various places and flowers and goods, their produce belongs in full to whoever owns the field or the tree in which they have produced honey of their own free will.

Likewise, if my bees are away in some wild tree without an owner, that is to say one that belongs to nobody, and these bees make honey in it, the law judges and decrees that every person can lawfully take part of that honey, without committing a transgression against anyone, for the location is common to all and unregulated. The law quite properly decrees that they are well able to take some of the bees, and whoever wishes can do so without committing wrong to anyone else, and this is what is lawful according to the assizes.<sup>447</sup>

**Article 243 (Kausler, I, cclii). Regarding geese and chickens that have been stolen, and what law must be applied to the thief.**

If it happens by some chance that a man or a woman take away or steal my chickens or geese, and this applies even if they flew there, the law decrees that should this man or woman keep my chickens or geese, without returning them to me, he or she have committed theft. They are lawfully obliged, moreover, to return to me the chickens, geese or doves that they have taken from me. Should the chicken, goose or dove taken from me have been worth twelve *denarii* or more, the law decrees that the thief should be put in the stocks from morning until evening, that is for half a day, and he should have his theft hung around his neck. Should it be known or discovered that the man or woman committing this theft is habituated to such evildoing then the law re-judges that he should be paraded and beaten<sup>448</sup> by law, for this is what is right. And likewise, should it have been the case that these animals as stated above were winged and could fly, I do not lose my entitlement to them on account of the assertion that they went away, for these things can be caught by hand and are in the possession and cognisance of the household in which they were raised and habitually stay, and are accustomed to seek food throughout the land.<sup>449</sup>

**Article 244 (Kausler, I, ccliii). Regarding hawks, sparrow hawks and kestrels, and all birds of prey which barons, knights, burgesses or merchants habitually raise, and which they often lose.<sup>450</sup>**

Should it happen that some baron, or knight or burgess, whoever he be, has lost his hawk, or his falcon, or his kestrel, or his sparrow hawk, or some bird of his whatever it may be, and it happens in such a manner as when he releases it for the hunt, and

<sup>447</sup>. See *Justinian's Institutes*, 2.1.14.

<sup>448</sup>. Kausler, I, 304-305, cclii *add.* 'around the town'.

<sup>449</sup>. For a comparison with Roman law see *Justinian's Institutes*, 2.1.16.

<sup>450</sup>. For falconry and hunting on medieval Cyprus see Richard, 'Agricultural Conditions in the Crusader States', pp. 280-281.

has missed or failed to reach the target so that the bird escapes and its master loses it, and then returns home knowing full well that he has lost it, and it so happens afterwards that this bird falls into the nets of some bird-catcher, who takes it, or else some person finds it hanging from a tree, or tied up by the strings attached to it, and then the person who has found it or who has taken it in the manner described above goes and secretly sells it to someone, or keeps it out of town so that he can then sell it in such a manner as not to be recognised, the law judges that he is guilty of theft and has committed a felony, and the person to whom the bird belongs can take it back from whoever he happens to find it on, within a year and a day from the time when he lost it and it was sold as a stolen article, as stated above. And the person selling it is obliged to return its price to the person to whom he had sold the bird.

The law decrees moreover that he be sentenced to pay a fine in person of as much as the price he received for selling the bird, for it was well established that this falcon belonged to someone else, either on account of the strings attached, or on account of the bells which it had on it, or because its beak was found to be fashioned in a manner other than those of wild falcons. Should the bird-catcher, however, on capturing the hawk or falcon, bring it to the place where birds are customarily sold, and have it openly on display to all and sundry for three days, and should the person who has lost it come forward and ask for it, the law judges and decrees that the following verdict be given. The vendor is obliged to return him his bird under the following condition. The claimant must prove that the bird is his, either through witnesses, or under oath, or by the word of the person who sold it. The rightful owner of the bird is then obliged to return to the person who found it the bird's wine and anything else expended on it which the bird needed for its maintenance, for this is what is lawful.

Should no one come forward, however, within the period of three days during which the bird was on display for sale, and stake a claim to it, the law decrees that the vendor can henceforth sell the bird to whomsoever he wishes, and the price for it must be his by law, without fault being found with anybody. But should the rightful owner of the bird not have been in town during those three days, because he was out looking for this very bird, the law decrees that once he has found it and is asking for it back he should receive it. He is obliged, however, to pay whomsoever found the bird whatever was spent on its upkeep during those days when it was in his possession, and as much for having found and looked after it as is lawfully valid, since he did not have to look after the bird himself, as well as its wine to whoever found it. This is what is right and lawful according to the assizes of Jerusalem, and this is what King Fulk established, who afterwards died while in the pursuit of a hare he was going after, as is explained in the Book of the Conquest of the kingdom of Jerusalem.

**Article 245 (Kausler, I, ccliv). Regarding one who leases his land to another for him to build houses on it, and who having built the houses, wishes to dismantle them and sell them, and what rights over this the owner of the said land, male or female, has.**

Should it happen that a man or woman acquires the lease to some land belonging to me in order to build houses or some other edifice on it, for which they will give me a fixed sum every year, should it then happen that they do not give me the rent which they owe me, either because they are unable to, or because they wish to sell the

house, or something else build on my land, because they no longer wish to be obliged to hold the rental property, the law decrees that since they no longer wish to hold the rental property they are well able to take off everything placed on my land should they wish to sell it.

But should the man or woman owning the land wish to give as much as the leaseholder's things are worth when he takes them off the land, the law judges that he must leave whatever was erected on it for the price given, without dismantling it.<sup>451</sup> Should the owner of the land, moreover, not wish to do all this, but instead wishes the things built on it to be put up for sale, with him giving as much for them as another person gives, the law judges that he should have the right of pre-emption, and this is what is lawful, for indeed no-one would be able to buy the edifice standing on this land, without the consent and without the knowledge of the man or woman to whom the land belongs. On account of this he should be able to have a prior claim to it, should he so wish, before anybody else, by law and according to the assizes of Jerusalem.<sup>452</sup>

**Article 246 (Kausler, I, cclv). Regarding one who wishes to extend the top floor of his house and to construct a balcony overhanging the public way, to what extent he can do this, and to what extent he cannot.**

Should it happen that a man or woman wish to reconstruct the top floor of their house, they are entitled to do so on condition that the overhanging part constructed, the so-called balcony on the top floor, should not project onto the public way to an extent exceeding one third of its width. Should it happen that a man or a woman had built for them a balcony on the top floor of their house, and that this balcony projected over the public way more than one third of the street's width, the law decrees that they have acted wrongfully towards their lord in taking part of his thoroughfare, and that on account of this wrongdoing they should demolish the whole of this balcony, so that in future they are not entitled to build it overhanging their wall. This, moreover, is what is lawful, for if the king allows you to have a balcony on the top floor overhanging the public way by one third, and you are not satisfied but instead act wrongfully towards the king, arrogating his thoroughfare, you should lose the whole balcony by law and according to the Assizes of the Kingdom of Jerusalem.

**Article 247 (Kausler, I, cclvi). Regarding assaults, and this law is given in Latin.**<sup>453</sup>

**Article 248<sup>454</sup> (Kausler, I, cclvii). Regarding assaults, during which one person assaults another, beating him, tearing his beard and wounding him, and what judgements have been promulgated regarding such deeds.**

Should it happen that one person summons another to court for having assaulted him, in accordance with the assize of King Baldwin, showing how the other party tore his

451. For a comparison with Roman law see *Justinian's Institutes*, 2.1.30.

452. The right of pre-emption existed in Roman and Byzantine legislation. See Zepos, 'Το δίκαιον εις τας Ελληνικας Ασσεις της Κύπρου', p. 319.

453. For the Latin text see Kausler, I, 310-311, cclvi.

454. The Greek text mistakenly omits the number of this article.



clothes, or pulled his beard, and shows the blood on his teeth, asserting that the other party caused it to flow, or else from his nose, or from his torn hair, the law decrees and ordains that the matter be judged as follows, that for none of the matters stated above, which the claimant attributed to the defendant, who denies the charges, can court proceedings take place, that is over these matters by law, if the defendant's flesh has not been cut open, or if he does not have an open wound. For it is well known that someone's nose or someone's lips may bleed many times of their own accord, while hair often falls from the head without it having been torn. Someone, moreover, can in a fit of rage batter his own person, and tear his clothes without another having done so. On account of this the law of the viscount and of the assessors decrees that the claimant should not be allowed to pursue this summons in court, that is to say to swear on the Gospels that he did not inflict the injuries upon himself, because this must not happen unless he has an open wound, or unless the claimant has witnesses to the charges he is bringing against the defendant. Should he, however, have trustworthy witnesses to the fact that the defendant performed a base deed against him, and that he battered him or trampled him underfoot, the law decrees that the viscount should have the guilty party brought into his presence. And he does very well to have him soundly beaten by two sergeants holding in their hands canes used for beating cattle. He should then have him put in prison, and should leave him there until he makes his peace with the person whom he assaulted without having inflicted an open wound upon him. This moreover is what is lawful, for just as he trampled on and battered someone else, so should his own body be made to suffer, and not by paying a fine, since what is good and what is bad derive from the body.<sup>455</sup>

**Article 249 (Kausler, I, cclviii). Regarding one who assaults another man so as to beat or kill him, where the man assaulted resists so well that he kills or wounds the person who first assaulted him, what law should be applied to him.**

Should it happen by some chance that one man assaults another intending to beat or kill him, and it so happens that the man assaulted acquits himself so well that he kills or maims his assailants, or truly beats him to the point of death, and the person who had assaulted him comes forward and accuses him of having (nearly) killed him, or of having wounded him so badly that he cannot move, the law judges and decrees that the matter be judged as follows. If the person assaulted can prove with two trustworthy witnesses prepared to offer testimony that the wounded party had assaulted him previously, he should remain untroubled, and according to the assizes without any recourse to trial by battle. If the other party has died, and the defendant has witnesses prepared to offer reliable testimony that he killed him while defending his person, the law decrees that he should rightfully remain untroubled, that is acquitted of this killing, by law, but there is trial by battle by law,<sup>456</sup> which is to say that the relatives

455. For a discussion of the corporal punishments given in the Assizes and their similarity with those applied in Byzantium see Chr. Maltezou, 'Ποινές στη Λατινοκρατούμενη Κύπρο', *Πρακτικά του Γ' Διεθνούς Κυπριολογικού Συνεδρίου*, 3 vols. (Nicosia, 2001), III, 547-554 and esp. 549 and 551-552.

456. The Greek text mistakenly states 'there is no trial by battle, by law', and I have followed Kausler, I, 312-313, cclviii.

of the slain man can summon one of the witnesses to trial by battle, and the person vanquished should be hanged by law. Should it be the case, however, that the defendant confessed before the viscount and before the assessors, or had someone else do so on his behalf, that the person killed in this manner had assaulted him beforehand, and the person killing him can provide witnesses as stated above, he should remain untroubled and without being subject to trial by battle, neither he nor his witnesses, by law and according to the assizes.

**Article 250 (Kausler, I, cclix). Regarding the testimony of two liegemen<sup>457</sup> when they apprehend someone in the act of committing murder, and what justice should be dispensed to the perpetrator of this deed.**

If it happens by some chance that a man assaults another man, or a woman, and kills him (or her) at a time when two liegemen come across him and see him in the act of committing this murder and seize him, as being the persons obliged to uphold the rights of their lord and to [put right] all wrongdoings done against him, and they hand him over to the court, in the presence of the viscount and the assessors, in accordance with their loyalty and with the oath which they have taken before the king, because they had seen him commit this murder, the law judges and decrees that the case be decided as follows. He is guilty without recourse to trial by battle, and it does him no good to maintain 'God forbid that I ever did such a thing'. For he should be hanged forthwith, because such must be the validity of the testimony offered by the two liege-men, as well as that of the two assessors in this case, this being moreover what is right and lawful according to the assizes, so long as the murdered man or woman is unrelated to the liege-men. For if they are related to the liege-men, the law judges that the person charged should not be hanged forthwith, unless he admits to the deed. Instead the law decrees that he should undergo ordeal by water until such time as the truth of the matter is ascertained, and only if he admits the truth should he then be hanged at once.<sup>458</sup>

Should it be the case, however, that he admitted to nothing under the pressures of torture he underwent for three days, he should then be placed in gaol for a year and a day so as to ascertain whether within this period of time he wishes to seek a judgement, that is trial by ordeal, or if someone comes forward wishing to convict him of this murder. Should no one come forward within this period of a year and a day, and should he meanwhile not have sought trial by ordeal, he should be released from custody, and thereafter should be untroubled as regards that murder, without

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457. Liege-men were holders of fiefs, and up until the mid-fourteenth century were exclusively Latins. Even after this period, few non-Latins became fief holders, and thereby attained noble status. See P. Edbury, 'The Franco-Cypriot Landowning Class and its Exploitation of the Agrarian Resources of the Island of Cyprus', in *Kingdoms of the Crusaders, from Jerusalem to Cyprus* XIX (Aldershot, 1999), 1-7; B. Arbel, 'The Cypriot Nobility from the Fourteenth to the Sixteenth Century: A New Interpretation', in *Latins and Greeks in the Eastern Mediterranean after 1204*, eds. B. Arbel, B. Hamilton and D. Jacoby (London, 1989), pp. 175-197.

458. For the application of ordeal by cold water throughout Latin Europe in the period 800-1200 see Bartlett, *Trial by Fire and Water*, pp. 2, 10-14, 23-25, 27, 29, 33, 39, 47-48, 51-52, 56-57 *et passim*.

being answerable for anything to anyone who might wish to summon him, because he has done what he was supposed to do, and this is what is right and lawful according to the assizes of Jerusalem.

**Article 251 (Kausler, I, cclx). Regarding one who has received multiple injuries, who summons the perpetrators and what should be done to those who have done this deed.**

Should it happen that a person has had multiple injuries inflicted upon him, the law quite properly states that he can summon to court as many persons as he has injuries, and no more. Once he has had them summoned, and the assessors have examined the wounds, know well that the viscount should have all the perpetrators thrown into gaol, until what will happen to the wounded person is ascertained. Should it happen that one of the persons in custody wishes to offer a guarantor in order not to go to gaol, and should the guarantors be such persons as are well-respected as regards their selves, the law decrees and judges that the court can quite properly receive these guarantors, provided that should they fail to hand the person charged over to the court at any time the court should require them to do so, then it is mandatory that the guarantors suffer the same sentence as he would have suffered, and otherwise he should not nominate guarantors for any matter. If, moreover, the wounded person dies as a result of his wounds, the law decrees, since the persons charged do not admit to this evil-doing, but declare 'God forbid!', that they should all go to gaol for a year and a day. Should it happen that within this period of time somebody comes forward on behalf of the deceased wishing to challenge one of them to a duel, the law decrees that since he wishes to challenge somebody he can arise and challenge whomsoever he wants from among all those involved in maiming the deceased person. Should he vanquish him, the vanquished person should be hanged, and all those who inflicted wounds on the deceased should have their fists cut off and should be expelled from the kingdom, for this is what is lawful. Should, moreover, the person challenged vanquish the challenger, that is the person challenging him on behalf of the deceased, all those accused should be acquitted of this murder, by law and according to the assizes, while the person offering the challenge should himself be hanged.

But should no-one come forward wishing to challenge them regarding the murder committed, within a year and a day following that person's death, and should any of those held in custody wish to submit to trial by ordeal in order to obtain acknowledgement that they did not wound the deceased man, and should they come through the ordeal safely, the law judges that they should be untroubled thereafter regarding the murder, both with respect to the ruler of the country and with respect to any person asking them to account for their acts. For no man should say or do anything against the testimony of God, since they are innocent by judicial process, through trial by ordeal that is.<sup>459</sup> Should it, however, happen that they do not come through the ordeal safely, they should forthwith be hauled off and be hanged by a

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459. On Cyprus, as elsewhere in Latin Europe, trial by ordeal was resorted to in the absence of a specific accuser and when conclusive proof was lacking. See Bartlett, *Trial by Fire and Water*, pp. 26-30.

noose. But in the case of the others who did not wish to undergo trial by ordeal, nor did anyone come forward within the year and the day wishing to challenge them regarding the murder, the law decrees that once the year and the day have passed, the court is obliged to release them, because all of them are lawfully considered untroubled as regards the murder, without being ever answerable for anything to anyone who might summon them. For this is what is right and lawful according to the assizes of Jerusalem.

**Article 252 (Kausler, I, cclxi). Regarding those to whom the court should grant justice by ordeal, and in which instances the court should not by law allow justice by ordeal to take place.**

Know well that neither the *bailli* nor the assessors can forcibly compel any man in the world to undergo trial by ordeal, nor likewise any woman. But if a man or a woman are summoned before the court for any transgression, which someone has accused them of having committed, and if the man (or woman) then offers of his own free will to undergo justice by ordeal, the law judges and decrees that he can no longer change his mind and not undergo it, for since he offered to undergo this of his own volition, he must be made to undergo it even against his will, if the other party accusing him of the transgression so wishes.<sup>460</sup> In this regard the viscount and the assessors are obliged to compel him to suffer trial by ordeal forcibly. If, moreover, he does not wish to undergo this, after having offered to do so of his own free will, and furthermore does not wish to do anything of what the court tells him to do, the law decrees that it be made clearly understood to him that since he does not wish to undergo trial by ordeal, it is well attested that he did that which he has been accused of. For had he not done it then he would not be afraid of this trial, which is an entitlement of all persons seeking justice. And for this reason the assessors should forthwith judge that he should be subject to the penalty properly attached to the crime which he has been accused of committing, or which he had arranged to be committed. For this has been well attested, since he does not wish to do what he offered to do, for this is what is right and lawful according to the assizes of Jerusalem.

**Article 253 (Kausler, I, cclxii). Regarding one who declares the verdict of the court to be false, and those issues judged by the assessors, and what he is lawfully obliged to pay the court by law.**

Should it happen that by some chance somebody is so bold as to declare the judgments of the court as being false, as when it happens that he declares 'This verdict is unjustly pronounced and established', the law judges that he is obliged and sentenced to give over to the court, that is to the assessors, 77.5 pounds,<sup>461</sup> and double the amount given to the assessors to the ruler of the country, for this is what is right and

460. By the twelfth century trial by ordeal had become voluntary for burgesses in parts of Latin Europe, and this law shows that this was also the case in Cyprus. See Bartlett, *Trial by Fire and Water*, pp. 54-56.

461. Kausler, I, 318-319, cclxii has the sum of 67.5 pounds. See J. Prawer, 'Crusader Penal Law and its European Antecedents', in *Crusading Institutions* (Oxford, 1980, repr. 1998), pp. 414-418 for the various occasions when this fine was imposed, both in the kingdom of Jerusalem and in Cyprus.

lawful. Should he not have the wherewithal to pay these sums, the law decrees that one third of his tongue should be cut off, so that he never again dares to declare the court, which has been established to examine and declare and put things right as unjust. This, moreover, is what is right and lawful in accordance with the assizes of Jerusalem.

**Article 254 (Kausler, I, cclxiii). Regarding one who has been beaten, and what fine is payable to the court and to both the man and the woman who have been beaten either by those who beat them or by those who had others beat them instead of doing this in person.**

If it happens that one man beats another, with a summons being brought before the court and the accused proven guilty with reliable testimonies of having beaten him, the law decrees that he must give the man beaten 100 *sous*, as well as 100 bezants to the ruler, if it happens that the assault did not result in an open wound or in bloodshed. If there is an open wound or bloodshed then he should lose his right fist. If, moreover, the person guilty of assault is unable to pay 100 *sous* to the person beaten and 100 bezants to the court, the law judges that the person beaten can hold his assailant in gaol as a free man until the latter pays him. And after he has paid him<sup>462</sup> he should turn him over to the court so that it can have its due.

Should it be the case, however, that the person beaten dies as a result of this assault, the law judges that since he is guilty of this assault he should be hanged outside his place of residence for evermore without being cut loose, that is to say from the noose from which he died, for this is what is laid down and lawful. Should some man or woman, moreover, have arranged for him to be beaten by other people and he dies, the law judges that the person arranging for him to be assaulted should be hanged. All those who assaulted him, moreover, should by law lose their right fist. Should he not have died as a result of this beating the law judges that the person who arranged for him to be beaten is obliged to pay the fine determined by the court to the person beaten and to the ruler. As for those who beat him, they should be paraded around town, naked down to their underpants and properly beaten, for this is what is right and lawful, so that all are aware of the evildoing.

**Article 255 (Kausler, I, cclxiv). Regarding a free man who assaults the slave of another, what law should be applied.**

Should it happen that a free man, whoever he be,<sup>463</sup> beats the slave of another person, and his master then comes before the court and summons him in accordance with the assizes, accusing him of having beaten his male or female slave, the law judges and decrees that he be judged as follows. No free man or woman is entitled to do this action to a slave, male or female lawfully, for it is neither right nor lawful, nor has any law or assize ever decreed this.

462. The Greek text omits 'and after he has paid him'. See Kausler, I, 319-320, cclxiii.

463. Kausler, I, 321-322, cclxiv has 'whether he be a burgess or another person' instead of 'whoever he be'.

Should it happen, however, that the male or female slave dies as a result of this beating, and the person beating them is proven guilty by reliable testimonies of those who saw him beating him, the law judges that he is obliged to compensate the master or mistress of the male or female slave, giving as much as the owner wishes to declare, according to his rights, that he cost him from the day on which he purchased him up until the day on which he died. For this is what is right and lawful according to the assizes.

**Article 256 (Kausler, I, cclxv). Regarding minors who are summoned to court, what law should be applied.**

Should it happen that a man or woman have a minor summoned to court, either for beating them, or for some shameful act done to them, or for springing on them, the law judges that the court is not obliged to administer justice to them, nor to seek redress from any person in the world, nor to forward any accusation against him until he reaches his majority, and becomes fifteen years of age. In truth the law decrees this, for if there be some child who has no one to restrain and punish him, and so he is habituated to doing wrong and to stealing people's things, and a summons is brought to court, the viscount should have the child arrested and well beaten, and should tell him not to cause harm any longer, nor to behave stupidly, for should he do it another time he will undergo a far worse and painful beating. This moreover is what is right, for all unruly children should be chastised and frightened in this manner.

**Article 257 (Kausler, I, cclxvi). Regarding champions summoned over murder, or those who have summoned them to the duelling ground, and what the ruler is obliged to give the champions, according to justice and the law.**

Just as the king or<sup>464</sup> the ruler of the country is the heir of a man or woman who dies intestate, that is without having made a will and who has no relative, and duly inherits everything which he or she has, the law and the assizes likewise decree that the king is obliged to provide all necessities to the champions summoned to a duel over murder, or theft, or over some other issue. If, moreover, this champion has no means of support, either above or below ground, the court is also obliged to provide him with food and drink for up to 40 days if the summons has meanwhile been delayed. From forty days onwards, however, the court is not obliged to give him anything. This, moreover, is the reason why the law decrees that the duel must take place within forty days in whatever fashion, once the pledges have been handed in. The court is furthermore obliged to provide him with the red garment and red socks, his shield and his baton, all of which the court should lend to him. Likewise should it happen that a widowed woman, or one who is orphaned or from abroad, or an orphaned man or one from abroad lacks the wherewithal to support their champions, whom they have had summoned to fight for them, or someone else challenging them, the law judges that the ruler is obliged to support him as stated above. For this is what is right and lawful according to the Assizes of Jerusalem.

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464. The Greek text omits 'or'. See Kausler, I, 323-324, cclxvi.



**Article 258 (Kausler, I, cclxvii). Regarding a man or a woman who are found murdered and who have no relative or friend to seek redress for his death, how according to the law the ruler of the country is obliged to seek redress for it.**

Should it happen that by some chance a man or woman are found dead, and someone imputes this death onto some person, but that the deceased has no male or female relative, or no male or female friend to seek redress for their death from the person killing them, the law decrees that the king or the ruler of the country<sup>465</sup> is his (or her) rightful heir and so is obliged to seek redress for his death, according to the law and according to the assizes. And a champion should be nominated, if necessity requires this, should the accused deny the wrongdoing. For Our Lord declared in the Gospels that the blood of the poor man follows him crying out for justice, and the Gospels state 'Good Lord, avenge the blood of the poor!'. Because, moreover, Our Lord in heaven has spoken thus, he should be heeded on earth also, by law, for the ruler should take vengeance over the body of a dead person, as is preordained for all in common. This is why it has been established that the ruler should inherit his effects and avenge his death, and this is what is right and lawful<sup>466</sup> according to the assizes of Jerusalem.

**Article 259 (Kausler, I, cclxviii). Regarding the oath that the champion has to take before the viscount and the court.<sup>467</sup>**

Know well that once the champions have arrived,<sup>468</sup> and it is considered that peace between them cannot be made, the assessors and the viscount who should be present until the duel is over should first approach the champion who has summoned the other over murder, and should make him swear upon the Gospels 'Swear, and so help you God and these Holy Gospels, so that on this day the contestant whom you must fight truly committed the murder which you accuse him of'. After that they should approach the defendant and speak to him as follows; 'Swear upon these Holy Gospels that so help you God and these Holy Gospels upon this day, that you did not commit this murder, nor had it committed by someone else'.<sup>469</sup> After that they should give each champion his shield and rod,<sup>470</sup> and then two assessors should take the one champion, and two assessors the other champion, and they should put them onto the field at mid-day, the one facing the other so that both are equally exposed to the sunlight, for if they placed the one facing east, and the other facing west, this would be unjust, given that the sunlight could harm the one and help the other, and this is why the law decrees that the two champions must not be pitted against each other except at high noon. The law judges, moreover, that they must not be allowed to go and fight

465. Kausler, I, 324-325, cclxvii has 'the ruler of the country or the lady of the city' instead of 'the king or ruler of the country'.

466. Kausler, I, 324-325, cclxvii *add.* 'by custom'.

467. Kausler, I, 325-327, cclxviii *add.* 'before they are allowed to come together for combat'.

468. Kausler, I, 325-327, cclxviii *add.* 'in the field'.

469. Kausler, I, 325-327, cclxviii *om.* 'nor had it committed by someone else'.

470. Kausler, I, 325-327, cclxviii *om.* 'after that ... rod'.

in the field of battle until the third hour of the day has come, so that the sun is high up and cannot harm them, for this is what is lawful. Furthermore, both their shields must be cut to the same dimensions and have the same weight, likewise their rods must be of the same length and girth. And then the heralds cry out the proclamation, which must be proclaimed thrice before the ruler, lest anyone have the temerity on pain of his person<sup>471</sup> to give a sign to the champions, either by gesture or by word.<sup>472</sup> The assessors should then have everyone taken away to one part of the field until they re-enter the field to hear what they should hear, should the champions wish to say something.<sup>473</sup> Then the champions should be allowed to go for each other simultaneously. As regards the vanquished, the law judges that whether alive or dead he should be dragged away and hanged, according to the law and the assizes. Furthermore, it is in this manner and upon such oaths that liegemen fighting on horseback should be led to the field of battle, just as has been explained for duels regarding burgesses.<sup>474</sup>

**Article 260 (Kausler, I, cclxix). Regarding Syrians, Greeks and Muslims, who cannot challenge a Latin Christian to a duel.**

Know well that neither a Syrian, nor a Greek nor a Muslim, can pit himself against a Latin Christian champion, this is to say that he cannot challenge any Latin Christian to a duel throughout the kingdom of Jerusalem. Should, however, a Syrian, or a Greek or a Muslim be charged with murder, or with treason<sup>475</sup> the law judges and decrees that they can defend themselves against any Latin Christian over that which they are accused of, for this is what is right and lawful according to the law of Jerusalem.

**Article 261 (Kausler, I, cclxxi). Regarding homosexuals and all other evil men and women who should be sentenced to a bad death.<sup>476</sup>**

Know that justice and the law decree that all evil people should die a nasty death, these being the people habituated to evildoing and to tolerating evil, such as the homosexuals called sodomites, thieves, heretics, traitors, and all evil men and women. All of them should be put to death, and once they have discovered them the rulers should not suffer them to stay alive, because this is what the Holy Scriptures and the law state. 'All those who kill the enemies of God, that is evildoers, those people are friends of God'. No person, however, should slaughter a murderer, nor a

471. Kausler, I, 325-327, cclxviii has 'on pain of his property and his person'.

472. Kausler, I, 325-327, cclxviii *om.* 'either by gesture or by word'.

473. Kausler, I, 325-327, cclxviii has '... to hear the words which the vanquished party should speak'. The onlookers were taken off the field, and they re-entered it after the duel had finished.

474. The Greek text wrongly has 'Bulgarians'. See Kausler, I, 235-237, cclxviii.

475. Kausler, I, 327, cclxix *add.* 'or heresy'.

476. Kausler, I, 329-330, cclxxi has 'Here we must speak of evildoers, whom you shall not suffer to live by lawful command'. This article is preceded by a Latin passage (Kausler, I, 328-329, cclxx) not alluded to in the Greek text.

traitor, nor a heretic or a thief, on his own authority. Instead he should deliver him to the judgement of the court, and the court is then obliged to pass judgement over him and to punish him in accordance with his transgressions, either by producing witnesses, or else on account of his confession that he committed the misdeed, either murder, or theft, or some other sin from among those stated above. Those convicted of such crimes should be sentenced to death forthwith, for when the assessors sentence a man to death they are not in any way responsible on account of this for the death of the person they have sentenced, but are doing that which the law and the assizes decree. For this reason, moreover, all should know that all murderers or those committing some other crime such as those mentioned above must be given a sentence of death by the assessors without hindrance.

**Article 262 (Kausler, I, cclxxii). What should be lawfully done regarding one who has received a mortal wound and who issues a court summons, when the person accused denies this charge and does so under oath, and it then happens that the wounded person dies from his wounds.**

If it happens that a person has been wounded mortally and he appears before the court accusing another person and stating that this man has inflicted the wound on him, and so 'I accuse this man', and the person accused comes forward declaring 'God forbid that I ever did this!', and the claimant asks him to take an oath before the viscount and the assessors, that is to swear upon the Holy Gospels that he did not do this by his own hand, nor had it done through the agency of a third party, and neither acquiesced in it nor knows who did this to him, then on doing so the accused is acquitted. For his accuser received his oath before the court in the manner requested. This likewise holds good if, because the accuser has died on account of the wound, one of the deceased's relatives, his father or mother, or his brother or sister, then wishes to ask for the death of the person accused. The law judges and decrees that he be judged in the above manner, for the accused is no longer obliged to account for the death of the other party to anybody, since he has done what the assizes required him to do, and what the court decided that he should do. Should he, however, not have acted according to the assizes and the decision of the court, as has been stated above, the law quite properly decrees that he is obliged to offer a defence for this evil-doing to all who seek redress from him, for this is what is right and lawful according to the assizes.

**Article 263 (Kausler, I, cclxxiii). Regarding a beaten man who claims in court that a certain person beat him. They both receive a fixed day on which to come for judgement, following which neither of them appears on his day, and what the person who did not appear on his day must pay the court.**

If it happens that a person appears before the court and accuses another person of having beaten him or of some other crime, and the person accused receives a fixed day, and after this it happens that the claimant does not appear on his day, nor does he reschedule the day as he should do, and the defendant appears on the day assigned to him and adheres to it well until the stars appear, and it happens that the claimant who has been beaten dies, and one of the relatives of the deceased comes forward and issues a summons, asking for judgement to be passed against the person who beat

him, as a result of which beating the victim had died, the law decrees that if the defendant can prove with the assistance of the court of the viscount that he appeared on his day as was required, until the stars appeared, he should lawfully be acquitted without trial by battle. Should he perhaps be unable to prove this with the court's assistance, that is through the testimony of the assessors, but can prove that he kept to his day, as stated above, by summoning two trustworthy witnesses, he should likewise be acquitted by law. Such testimony, however, involves trial by battle, for the parents or relatives of the deceased [can challenge] one of the witnesses to a judicial duel, for this is what is right and lawful according to the assizes of Jerusalem.

**Article 264 (Kausler, I, cclxxiv). Regarding a wounded man who then makes his peace with the person wounding him in return for money. It then happens that he dies from the wound, and what law should be applied to the person who wounded him and made his peace with him before he died.**

If it happens that a person comes before the court and summons another person for having wounded him, and it then happens that he makes his peace with the person wounding him, either on account of the pleas of his relatives, or for a monetary gift and it then happens that he dies from this wound, and that one of the deceased's relatives or his wife then wishes to seek redress from the person wounding him, the law judges and decrees that the matter be judged as follows. If the person who made his peace with the wounded person can prove that he was reconciled with him after the misdeed, he should lawfully be untroubled thereafter, except for the fact that trial by battle may ensue, insofar as the relatives of the deceased can challenge one of the witnesses to a judicial duel. Whoever is vanquished, moreover, must be hanged by law. But if he can prove in court, that is to say before the assessors, that he had made his peace with the wounded man and had paid the 7.5 *sous* as a fine for the faithless wrongdoing he had inflicted upon him, the law decrees that he be untroubled for the remainder of his days without trial by battle, by law and according to the assizes of the kingdom of Jerusalem.<sup>477</sup>

**Article 265 (Kausler, I, cclxxv). Regarding an assessor who is summoned to offer advice to an orphaned boy or girl, or to a widow, and who is unwilling to go, the punishment to which this assessor is liable.<sup>478</sup>**

Should it happen that an orphaned girl who is under-aged or a widow comes before the court and either asks for or arranges for one of the assessors to be asked for by name, the law judges and decrees that the assessors named are obliged to go to the man or woman asking for them, and must give them the best possible advice to their knowledge. Should it be the case, however, that the assessor who was summoned by name to go to the orphaned girl was unwilling to go, and stated in the hearing of the

477. For the fine of 7.5 *sous* and when it was payable see Prawer, 'Crusader Penal Law', pp. 412-429.

478. Kausler, I, 333-334, cclxxv has 'Here you shall hear the law regarding that assessor who does not wish to give advice to the men or women whom he is obliged to advise by law, even against his father and against his mother and against all other people loyally'.

other assessors that he did not intend to go and give advice on being summoned to the orphaned girl or boy, or to the widowed woman, the law judges and decrees<sup>479</sup> that this assessor should firstly be expelled from the company of the other assessors, and should evermore lose the rights of offering a defence before the court, and should never be heard or believed regarding anything he might say, and should be sentenced to pay a fine<sup>480</sup> like a faithless person, for by this action he is well proven as being faithless, insofar as he refused to offer advice and tell the truth to the man or woman to whom he was obliged to give advice on all days<sup>481</sup> in court when asked to do so. For there is none among the twelve assessors who is not obliged, before sitting upon his throne to grant audiences, to offer advice to every person asking for such advice in good faith, and without any evil intent, and he must offer the best advice to his knowledge. Likewise should it happen that the person seeking his advice is bringing a summons against his father or his mother, he is still obliged by law to advise him to the best of his knowledge, for it is for this purpose that they have been established, to state and to do what is right, and to give lawful advice to all people, lawfully and according to the assizes.

This [article] is given twice because that is how it is with this contention, both in the twelve chapters and here.<sup>482</sup>

**Article 266 (Kausler, I, cclxxvi). Regarding those who discover treasure below the ground, which has been hidden by someone who has died, and to whom this find should belong by law.**<sup>483</sup>

Should it happen by some chance that a person discovers treasure below the ground, that is to say he digs and discovers the treasure which he then takes away and hides without making the fact known to his lord, that is to say to the king, or to the ruler of the country, the law decrees that the person or persons who wish to do this have committed theft within the treasury of the king, or of the ruler of the country, and it is up to the mercy of the ruler what punishment should be inflicted upon his person, as would be suffered by a thief apprehended in the royal treasury. Everything in his possession, moreover, should belong to the king for evermore, and he himself should be hanged.

If, however, he unearths this treasure to the king's knowledge, or to the knowledge of the person who was his lieutenant on that day, declaring to him as follows 'Sir, I have found this article in my house while digging. Send someone for it sir, and

479. Kausler, I, 333-334, cclxxv *add.* 'that it be so judged by the other assessors'.

480. Kausler, I, 333-334, cclxxv *add.* 'to the ruler'.

481. The Greek text omits 'days'. See Kausler, I, 334, cclxxv.

482. Kausler, I, 333-334, cclxxv *om.* the final sentence. The twelve chapters probably refer to the twelve tables of around 450 BC, in which early Roman customary law and practices were codified. See G. MacCormack, 'Sources', in *A Companion to Justinian's Institutes*, ed. E. Metzger (London, 1998), pp. 5 and 14.

483. Kausler, I, 335-337, cclxxvi *add.* 'whether to the ruler of the country or to the person who found the treasure'.

take what has been found, and give me my due', the law judges that the person finding it should have one third of that treasure and should be paid without hindrance all the expenses undertaken by him to find the treasure. As for the other two thirds, they should go to the ruler of the country by law, and no harm should befall the person finding the treasure, provided that he gives everything that he has found to the ruler, neither taking nor keeping anything before it is apportioned.<sup>484</sup> But should some man or woman have learned, or have been told, or have seen in a dream that there is treasure in a certain place, and they then go and dig there without obtaining the king's permission, or that of the ruler of the country, to find this treasure, and they happen to find it while digging, the law judges that they are committing theft. Everything in their possession, moreover, is to be made over to the ruler, while his person is placed at the mercy of God and of the ruler of the country, who can have him killed. For no person is authorised to dig in order to find treasure in the lordship of another, except with the permission of the ruler of the country, neither in his own home, nor in the home of another, nor in his field, nor in another's field, nor in his vine, nor in his village. For everything that is underneath the ground and without a living owner should belong to the ruler of the country by law, because you should know well that everything hidden in the ground is in the ruler's cellar, because it should all belong to the ruler. For were it not in the ruler's cellar, then neither the viscount nor the assessors would be under obligation to put right all the wrongs taking place in the town, and out of town, wherever the king's rule applies.

Instead, if anyone knows that there is treasure in some place, then let him come before the king, or before his lieutenant on that day, to make it known to him that he wishes to dig at the place where he knows that the treasure exists. The ruler of the country is obliged to grant him permission to dig and to post a guard all around. Should he, moreover, find that treasure the law decrees that one half of the treasure should go to the ruler of the country, that is to the king, while two equal shares should be made from the other half. One share should be given to the owner of the place where the treasure was found, and the other share should be received by the person finding the treasure. If, however, the land belongs to the person unearthing the treasure, then the law judges that two thirds of the treasure should belong to the king, and the remaining third of the treasure should belong to the person finding it on condition that all the expenses undertaken by him in digging and extracting the treasure should be paid for by the king who has received two thirds of the treasure as his share. This, moreover, is what is right and lawful according to the assizes.

**Article 267 (Kausler, I, cclxxvii). Regarding one who starts a fire in town, whereupon damage is caused, and what punishment should be dealt to the person causing the damage.**

If it happens that a man or a woman starts a fire in the town and that the fire has caused some damage, that is to say it rises up and latches onto a house, burning it down, and that the person starting the fire, whether a man or a woman, is appre-

484. Kausler, I, 335-337, cclxxv *om.* 'before it is apportioned'.



hended and has been witnessed regarding this matter by trustworthy witnesses who saw him committing this misdeed, or else he has admitted to it by himself, the law judges and decrees that he be judged in the following manner. The person who had desired to burn down the houses, and who destroyed them on account of this, should be burnt alive, after having first been paraded all around the town with the incendiary torch in his hand. He should be paraded, that is proclaimed in this manner [as an arsonist] right up to the place where it is intended that they burn him. Everything that this evildoer has, moreover, should belong to the king, or to the ruler of the country, by law and according to the assizes.

**Article 268 (Kausler, I, cclxxviii). Regarding a man or a woman who buries a dead man or woman within his or her house, and what legal action should be taken as regards the man or woman doing this.**

Should it happen that a man or a woman buries a man or woman in his or her house, the law and equity decree that this house should belong to the church. For no person other than the holy church of God is entitled to have a cemetery in his home, and since he has made his house a cemetery, that is a graveyard, the house upon the place where this act has taken place must belong to the Catholic Church.<sup>485</sup> The law and the assizes then decree that everything belonging to the man or woman who has done this should belong to the ruler of the country, other than the graveyard in which the deceased man, woman or child has been buried. His or her person, moreover, remains at the mercy of God and of the ruler of the country, as does that of the person who has committed this great crime, for no one knows if he has killed the dead person, who can guess if the person buried in his house has died a natural death? For one can always entertain evil suspicions and speculate that the person burying him did so on account of having done something wrong. Should it be heard from people that he indeed killed him, the law decrees that the dead person should be dug up so that the manner of his death can be ascertained. And should it be observed or recognised that the dead person had been suffocated, or forcibly slaughtered, the court is thereafter obliged to have them subjected to torture<sup>486</sup> and to the testimony of witnesses in order to find out the truth behind this evildoing. If the perpetrators admit under pressure, or of their own free will, that they indeed killed the dead man, the law decrees that all those implicated in this evildoing should be planted into the ground alive, with their heads pointing downwards and their feet pointing upwards, without further harm being done to them. Furthermore, everything in their possession at the time when they committed this murder<sup>487</sup> should all belong to the ruler, according to what lawful, as stated above, and according to the assizes.

**Article 269 (Kausler, I, cclxxix). Regarding those who have found a dead man who had been killed in the street along with another man who is alive, and whom they bring to court, what law must be applied.**

If it happens that two or three persons appear before the court, bringing with them a corpse and another living person who is tied up, and they declare before the court

485. For a comparison with Roman law see *Justinian's Institutes*, 2.1.8 and 2.1.9.

486. Kausler, I, 338-339, cclxxviii has 'the court is obliged to torture them through ordeal by water'.

487. Kausler, I, 338-339, cclxxviii has 'they had him buried'.

'Sir, we found the deceased person lying dead in the street. He was still warm as though he had been killed a short while ago, and we found another person walking along the street at the same time whom we brought to court along with the aforementioned dead person. We went up to him and asked him "who killed this person?", and he replied that this dead man had sprung upon him in the street, and that he had killed him in self-defence'. The court then asks him again 'Is it true what they say about you, that you killed this person in self-defence?'. The latter answers 'They are telling the truth, and I likewise repeat it, and God is my witness in this regard'. The law judges and decrees that he be judged as follows. Since he invokes God as a witness, he should undergo trial by ordeal, that is to say as is lawful.<sup>488</sup> Should he come through this trial vindicated and safe, he should lawfully remain acquitted thereafter regarding that killing, without being answerable to anyone who might wish to summon him. But should he not emerge acquitted in the trial by ordeal, the law decrees that he should be hanged forthwith without any hindrance.

**Article 270 (Kausler, I, cclxxx). Once more regarding the same matter.**

Likewise, if it happens that a summons is brought before the court regarding this matter, insofar as many people had found a dead man lying in the street and brought this to the court's notice, as well as bringing another live person, whom they had tied up, and they speak as follows to the court: 'Sir, we have found this dead person and have found him while still warm in the street. As for the person whom we have brought here alive, we found him near the corpse. He was out in the street, and we went up to him and asked him who had killed that man. He told us that he did not know. We then drew near him and took his sword, which we found covered in blood, and we asked him where the blood had come from. And he told us that it came from an animal that he had slaughtered', the law judges and decrees that he be judged as follows and in such a manner. He should not be considered guilty of this murder on account of having gone out into the street, or because his sword was found to be covered with blood, if his accusers have nothing else to say other than this. The law quite properly decrees that for as much as the person has said<sup>489</sup> the viscount should have him apprehended and placed in gaol, where he should be held for one year and one day, so that it can be ascertained whether anyone comes forward asking for him within this time, or wishing to have him accused of having committed this murder, or whether he himself during this period of time asks to undergo trial by ordeal. Should it happen, however, that nobody comes forward within the year and the day to have him accused of anything, and should he not have wished to undergo trial by ordeal within this time, the law decrees that he should be released from gaol, as one who is thereafter acquitted regarding this murder, according to the law and the assizes.

**Article 271 (Kausler, I, cclxxxi). Regarding one who finds his wedded wife lying in bed with another man, and who kills both of them, that is to say his wife and her lover.**

If it happens by some chance, or by some twist of fate, that a man who has his wedded wife considers her to be a good woman, but that she is not, and it so happens that

488. Here as elsewhere the ordeal is applied in the case of a crime where a specific accuser and conclusive proof are lacking. See Bartlett, *Trial by Fire and Water*, pp. 27-30 and 64.

489. The Greek text wrongly has 'come' instead of 'said'. See Kausler, I, 341, cclxxx.

on a certain day or night this upright person comes home as he is accustomed to do, and on entering his house he finds another man lying in bed with his wife, and this upright man places his hand on his knife and takes it out, or else some other weapon, and kills both of them at the same time, that is to say his wife and her lover, the law judges and decrees as follows, that he should be judged in such a manner. He should not lose anything nor suffer any damage to his person on account of having killed both of them at the same time, but should remain undisturbed in accordance with the law and the assizes of King Aimery<sup>490</sup> the Kingdom of Jerusalem, may the Lord God forgive him.

Should it be the case, however, that the husband killed his wife but not her lover, or the lover but not the wife, the law judges and decrees that he should be judged in the following fashion. He must be hanged if he has killed his wife, as though he had killed some other stranger.<sup>491</sup> Nor is it of any avail to him if he says that his wife was a prostitute and that this is why he killed her, or if he says that the lover shamed him before his wife, and that this is why he killed him.<sup>492</sup> On the contrary, let justice take its proper course in the manner described above, should he kill the one but not the other, for this is what is right and lawful according to the assizes.

**Article 272 (Kausler, I, cclxxxii). Regarding a woman who accuses a man of having unnatural intercourse with her, that is in a manner other than that which is lawful, and in which court this accusation must be judged.**

Should it happen that a woman accuses a man of having had unnatural intercourse with her, or that a man accuses a woman regarding such unnatural intercourse in the civil, that is to say the secular, court, the law judges and decrees that the matter be judged as follows. This issue, or this accusation, should be neither judged nor heard in the secular court, but in [the court of] the holy church, which is obliged regarding such cases to hear, to instruct, and to correct, to examine the issue with spiritual men and to lead them to repentance and correction of this evil. The viscount and the assessors, moreover, should send those bringing before him accusations of this nature to that court, for this is what is right and lawful according to the assizes.<sup>493</sup>

**Article 273 (Kausler, I, cclxxxiii). Regarding the clerk who draws up an unlawful privilege, or who forges a notarial deed for some other person, and is found out through the recognition of his own writing,<sup>494</sup> and what should be done with him.**

Should it happen that on account of straitened circumstances, or by the inducement of a bribe which someone gives to a clerk, that he writes or has drawn up an unlawful privilege, and that the clerk was fully aware of the fact that he was acting unlaw-

490. The Greek text omits 'King Aimery'. See Kausler, I, 342, cclxxxi.

491. Kausler, I, 342, cclxxxi *add.* 'and this should also happen if he killed the lover of his wife'.

492. The Greek text has 'her' but 'him' is what is meant. See Kausler, I, 342, cclxxxi.

493. The exclusive right of Latin ecclesiastical courts on Cyprus to try unnatural sexual acts was recognised as far back as the late thirteenth century. See Schabel, *Synodicum Nicosiense*, p. 149 no. 25.

494. The Greek text omits 'and is found out'. See Kausler, I, 343-344, cclxxxiii.

fully, the law judges and decrees that the issue be judged as follows. The clerk should have his right hand cut off and should be banished from the kingdom.<sup>495</sup> As for the person who gave him part of his fortune to commit this illegal act, and who displays this privilege in court and asks for what is declared in it, knowing it to be illegal, which indeed it is, the law judges that he should be hanged for having committed two wrongs. One of those was that he persuaded the clerk<sup>496</sup> to commit a faithless act, and the second is that he himself was then profiting from this unlawful act. On account of this he must have the recompense stated above, and everything he has should belong to the ruler of the country, by law and according to the assizes.

**Article 274 (Kausler, I, cclxxxiv). Regarding<sup>497</sup> Muslim clerks working in the covered market, or in the Court of the Chain, that is the customs house, or some place else, should they be filching the tolls and the dues of their lord.**

If it happens that a Muslim, Latin or Greek<sup>498</sup> clerk is in the employ of his lord, either in the covered market, or in the Court of the Chain, that is the customs house, or in some village<sup>499</sup> and this clerk filches what is his lord's due, or acquiesces in its theft by the traders or by the villagers in order to share the proceeds with them, or withholds part of the tolls paid by people in the covered market or in the customs house, and he does this illegally through false accounting or by drawing up false deeds, the law judges and decrees that he be judged as follows. If this clerk can be proved guilty of that theft, either through his books or by the merchants who gave him a bribe<sup>500</sup> for allowing them to take out their goods without paying duty, or if he allowed them to take out their goods by reducing the toll due to the ruler by one half, in order to take the other half, or for the one third payable in retrospect to the *bailli*, done without the knowledge of the *bailli* or of the ruler, or should he be condemned by some other manner, or because his lord did not find his incomes to be in the proper order, the law judges that this clerk should be blindfolded forthwith and paraded around the town, and should be then taken without delay to the scaffold and be hanged. Everything that he has, moreover, should belong to the king, by law and according to the assizes.

**Article 275 (Kausler, I, cclxxxv). Regarding goldsmiths who engrave false seals and counterfeit coins, and what should be done to them.**

Should it happen that some goldsmith and engraver becomes so bold as to engrave for some man or woman, in return for the bribe which he has received from them, the

495. *Justinian's Institutes*, 4.18.7 likewise state that transportation was the punishment for forgers of documents who were free. Slaves doing so were sentenced to death.

496. Kausler, I, 343-344, cclxxxiii *add.* 'by his money'.

497. Kausler, I, 344-345, cclxxxiv *add.* 'justice and the law applicable to'.

498. Kausler, I, 344-345, cclxxxiv *om.* 'Greek'.

499. For the employment of non-Latin clerks in Cyprus see J. Richard, 'The Institutions of the Kingdom of Cyprus', in *History of the Crusades*, ed. K.M. Setton, 6 vols. (Philadelphia-Madison, 1955-1989), VI, 162-163; P. Edbury, 'The Lusignan Regime in Cyprus and the Indigenous Population', in *Kingdoms of the Crusaders from Jerusalem to Cyprus XX* (Aldershot, 1999), p. 8.

500. Kausler, I, 344-345 *om.* 'who gave him a bribe'.

seals of the current king, or of one of the late kings, or of some baron of the kingdom who is living, or of one of the late barons, and should this goldsmith have been apprehended while doing this, the law judges and decrees that the matter be judged as follows. Both the person who engraved the seals and the person who commissioned them should be hanged, and everything that they have should belong to the ruler, by law and according to the assizes.

**Article 276 (Kausler, I, cclxxxvi). Regarding the dues payable to the ruler throughout his land on account of the wrongdoings committed by people.<sup>501</sup>**

Know well that if it happens that a person accuses another person in court, and the person accusing him loses his case, he must give the court 7.5 *sous*, he must pay them within a deadline of seven days, and must give them at once. Should it happen, moreover, that the person accused loses the case, he must likewise give 7.5 *sous* to the court, and must give them within a deadline of seven days, as stated above.<sup>502</sup>

**Article 277 (Kausler, I, cclxxxvii). Regarding one who wins his summons with the help of witnesses, and what he should pay.**

If it happens that one person summons another to court and the latter denies completely the charges levelled against him, and he has trustworthy witnesses whom he brings forward in court and who uphold him, so that he wins his case, the law decrees that he must give the court 15 *sous* for the two witnesses who made good his summons, by law and according to the assizes.

**Article 278 (Kausler, I, cclxxxviii). Regarding one who has beaten up another, and what should be taken from him.**

Should it happen that a person who has been beaten brings an accusation to court and is able to prove through two trustworthy witnesses that the accused beat him, or he can prove this by a judicial duel,<sup>503</sup> the law judges that the person who has been convicted, that is condemned, of having beaten him must give 100 bezants to the court and 100 *sous* to the beaten man, and must first pay the beaten man and the court afterwards, by law and according to the assizes.

**Article 279 (Kausler, I, cclxxxix). What a Syrian who beats up a Latin must pay.**

Should it happen that a Latin man or a Latin woman summon a Syrian to court for having beaten them, and the Latin can prove this following the customary procedure laid down in this book, the law judges that the court must take 50 bezants from the Syrian, and the beaten Latin 50 *sous*. For the Syrian only pays half what the law

501. Kausler, I, 346, cclxxxvi begins with the words 'Since we have heard what is right and lawful regarding all other judgements, it is right for you to know the dues ...'.

502. See Jacoby, 'Crusader Penal Law and its European Antecedents', pp. 412-429 on the application and origins of this particular monetary penalty.

503. The Greek text wrongly has 'he can summon him to a judicial duel'. See Kausler, I, 347, cclxxxvii.

requires for assault and battery, and he only receives half what the law requires, by law and according to the assizes.<sup>504</sup>

**Article 280 (Kausler, I, ccxc). Regarding the fine payable by a woman who has beaten a man.**

Know well that if a man summons a woman to court for having beaten him and can prove this,<sup>505</sup> the woman must pay 50 bezants to the court and 50 *sous* to the beaten man.<sup>506</sup> For the woman receives only half what the law requires and only pays half what the law requires, by law and according to the assizes.

**Article 281 (Kausler, I, ccxcii). Regarding a thief and his first offence.**

Should it happen that a thief is convicted in court and it is the first theft which he has ever done and which is known, the law judges that he should be paraded around the city and be given a good beating, and that he should be branded and banished from the town, provided that what he has stolen does not exceed one silver mark in value,<sup>507</sup> by law and according to the assizes.

**Article 282 (Kausler, I, ccxciii). Regarding a thief who has been caught and is already branded.**

Should it happen that a thief is apprehended and brought to court and is found branded, that is cauterised, or some part of him is cut off, the law decrees that this thief, since he has been caught stealing a second time, should be taken forthwith and hanged, by law and according to the assizes.

**Article 283 (Kausler, I, ccxciv). Regarding an edict publicised throughout the town, and the person infringing it.**

Should it happen that an edict is proclaimed by the ruler in town and that some man or woman infringes it, the law judges that the person infringing it must give the court 67.5 *sous*, that is sixty seven and one half, by law.

**Article 284 (Kausler, I, ccxcv). Regarding false measures.<sup>508</sup>**

Should it happen that a man or a woman are caught using false measures or false weights, the law judges that they be sentenced to give the court 67.5 *sous*, by law and according to the assizes.

504. Makhairas, *Recital*, I, 25 likewise observes that the Syrians paid only one half of the sales and purchase duties payable by other Cypriots.

505. Kausler, I, 348, ccxc *add.* 'in the manner established'.

506. The Greek text states 51 *sous*, but 50 is what is meant. See Kausler, I, 348, ccxc.

507. Kausler, I, 348, ccxc *om.* 'provided that ... in value'.

508. Kausler, I, 350, ccxciv *add.* 'or false weights'. See Prawer, 'Crusader Penal Law and its European Antecedents', p. 415 regarding this fine.



**Article 285 (Kausler, I, ccxcv). Regarding one who sells his house.**

Should it happen that a man or a woman sell their house, the person buying it, whoever he might be, must give the court one bezant and one *rabouin* for the sale, according to what is laid down and according to the assizes.<sup>509</sup>

**Article 286 (Kausler, I, ccxcvi). Regarding the sweeping of the streets.**

Should this take place, know well that justice should not receive the 7.5 *sous* levied for not doing so too often, for King Baldwin promulgated and passed this law without the consent of his liege-men, nor of the burgesses of the city. For this reason the law and the assizes decree that once it has been arranged to proclaim this edict throughout the town, should any man or woman fall into this transgression and not sweep in front of his house, the law decrees that the viscount should show great clemency with regard to this transgression and should levy the fine for as little as possible. He should, moreover, frequently waive these 7.5 *sous*.<sup>510</sup>

**Article 287 (Kausler, I, ccxcvii). Regarding an oath of faithless persons, over which the court should not receive anything.**

Should it happen that a man or a woman stay in the house of someone else and lose something, and come before the court to issue a summons, the law judges and decrees that the issue be judged as follows. The householder and all those dwelling in the house should swear upon the Holy Gospels that they did not take the article sought, nor do they know who took it. The court, moreover, should not as regards these oaths take any part of the 7.5 *sous* that it is entitled by law to take as regards other accusations of faithlessness, because this is not a legal accusation, but a breach of faith,<sup>511</sup> and should be dealt with thus. Nor should the court, moreover, receive anything, by law and according to the Assizes of the Kingdom of Jerusalem.

**Article 288 (Kausler, I, ccxxxvi). Since you have heard all these issues, you should hear what should be paid in the court of the covered market, which matters are subject to judgement and which are not, what duties should be levied on those goods<sup>512</sup> arriving by sea and on those goods arriving by land.**

Know well that there should be a *bailli* appointed to the court of the covered market, a loyal and reputable man, beloved of God and well disposed to all men and to every just edict. He is, moreover, obliged to conduct himself justly,<sup>513</sup> as is established, to Muslims, as also to Syrians, to Jews, to Samaritans and to all the other races, as also to the Christians, for this is what is right and lawful according to the assizes. For on account of the ruler's trust in him and because of his obligation to maintain it accord-

509. The word *rabouin* possibly means one fourth (Arabic *arba* = four).

510. See Prawer, 'Crusader Penal Law and its European Antecedents', p. 415 regarding this fine.

511. Kausler, I, 351-352, ccxcvii *om.* 'but a breach of faith'.

512. The Greek text omits 'goods'. See Kausler, I, 270, ccxxxvi.

513. The Greek text omits 'to conduct himself justly'. See Kausler, I, ccxxxvi.

ing to the law all traders come under his authority in order to buy and sell. Know well that there should be six trustworthy men as assessors in the court of the covered market, four Syrians and two Latins, and these six are obliged to judge all claims coming before the *bailli*, such as lost or destroyed debt securities, rents from houses, or any other matter done by a Syrian, a Jew, a Samaritan, a Muslim, a (Latin) Christian, a Nestorian, a Greek, a Jacobite, or an Armenian. Know well that the law judges and decrees that it be judged that those mentioned above are not entitled to be summoned in any court over any claim which any of them might advance other than in the court of the covered market, except for the fact that the law commands that if an accusation is brought regarding murder, conspiracy, acts involving bloodshed, or theft, such accusations in no way concern the court of the covered market but should be brought before the court of the burgesses, for this is what is right and lawful according to the assizes. You should know well that the *bailli* of the court of the covered market, whether he be a knight or a burgess, or whatever he be, or indeed the assessors, should not accept testimony from anyone working in the covered market over any accusation, whatever it be, for the law decrees that they should accept other testimony.

**Article 289 (Kausler, I, ccxxxvi). Title missing.**

Should a Greek summon a Jew before the *bailli* over some issue, and the Jew refuses to give what he is asking for, the law decrees that the claimant should have Jewish witnesses. And if he has them,<sup>514</sup> and they act as witnesses should act, they should swear upon their law that this is the truth as regards what he claims and that they saw him give it to the defendant, or saw him give it to him by way of a loan, or saw him give it, or saw him sell the thing, or heard the defendant admit to having the thing claimed, or else were in the market, or saw him giving the claimant the pledges, or the payment, or were in the place where they saw him commit this misdeed, or say this base word, or saw him delivering this thing, and these are the testimonies which are of use in the court of the covered market.

**Article 290 (Kausler, I, ccxxxvi). Title missing.**

You should know well that the law decrees that of all the other laws there where they summon each other to the court of the covered market, witnesses are required who are of the same law as the defendant,<sup>515</sup> for this is what is lawful, since witnesses of other laws are of no avail. For if he does not have such witnesses then the defendant should swear upon his law and by doing so be considered untroubled, given that the claimant does not have the testimonies which he ought to have.

**Article 291 (Kausler, I, ccxxxvi). Title missing.**

The oath to be taken by these people in the court of the covered market must be as follows. The Jew must swear upon the Torah of his law, the Muslim must likewise

514. The Greek text has 'And if they know this', but the translators probably misread the French 'et cil les ai', mistaking it for 'et cil le sai'. See Kausler, I, 271, ccxxxvi and note 2.

515. The Greek text wrongly has 'claimant'. See Kausler, I, 272, ccxxxvi.

swear upon the Quran of his law, the Armenian and the Syrian and the Greek must swear upon the holy cross and on the books of the Gospels written in their respective letters.

**Article 292 (Kausler, I, ccxxxvi). Title missing.**

All those belonging to other laws should take the oath upon the books of their respective laws, but<sup>516</sup> the Samaritans should swear upon the five books of Moses. Regarding those other things taking place which pertain to the court of the covered market, or which have been recounted in the presence of the bailli, or in front of the assessors, they can offer testimony and it should be regarded as valid against all those other religious laws whenever a claim is lodged in their court,<sup>517</sup> for this is what is right and lawful according to the assizes.

**Article 293 (Kausler, I, ccxxxvi). Title missing.**

Know well that there is never recourse to trial by battle from any testimony people bring before the court of the covered market, because issues subject to trial by battle must be brought before the court of the burgesses, as has been stated above, [for] this is what is right and lawful according to the assizes.

**Article 294 (Kausler, I, ccxxxvi). Title missing.**

Know well that the assessors of the market court should swear<sup>518</sup> that whatever fault one party finds with the other, whether over sale or purchase, or incomes or other things must be judged in the manner laid down in the present book, in the way prescribed for the assessors in the court of the burgesses, and not otherwise. For though they be Syrians and Greeks, Jews and Samaritans, or Nestorians, or Muslims, they too are people just like the Latins, liable to pay and to hand over whatever they are judged to owe, as is ordained in the present book and in the court of the burgesses, in which all the rights and all the imposts for all people have been promulgated. Furthermore, it is also ordained that if two Jews, or two Syrians, or two persons of the same faith and law have a dispute between themselves on account of which they issue a court summons, there must be no differentiation as regards the testimonies offered, whether they be from persons of the same law as the litigants or of some other law, for this is what is right and lawful according to the assizes of Jerusalem. But should it be the case that a Muslim assaults and batters a Christian, causing the effusion of his blood, that is to say he causes him an open wound, the law and the judgement decree that this Muslim must go before the court. The court, moreover, should provide treatment for the man or woman who has been beaten by the (Muslim) slave, or wounded by him, and give him his keep for as long as he is unable to work and act on account of the harm which has befallen him. If, moreover, the

516. The Greek text omits 'but'. See Kausler, I, 272, ccxxxvi.

517. Meaning the court of the covered market common to all creeds, not a court exclusive to the Samaritans.

518. Kausler, I, 273, ccxxxvi has 'iuger' (= to judge) instead of 'swear'.

court is not prepared to do this, then the court should have the hand of the slave, with which he struck the Christian, cut off, and should have him paraded around the town, and then banished outside the town. Furthermore, should this Muslim be apprehended causing further harm to a Christian man or woman he should be dragged off on foot and be hanged, by law and according to the assizes.

**Article 295 (Kausler, I, ccxxxvii). Regarding all things arriving by sea, and the duties payable on them, and likewise as regards those things arriving by land, in the manner established by men of old through the kings and through the noble persons of the land on every article.<sup>519</sup>**

The traditional practices decree that for every 100 bezants taken in the marketplace from the sale of silk, a duty of 20 bezants and 19 *tracheae* is payable.

As for the duties payable on cloth, the law decrees that for every 100 bezants' worth of cloth a duty of 8.5 bezants is payable.

For every 100 bezants' worth of aloe wood, the law decrees that 9.5 bezants duty is payable.

For every 100 bezants' worth of sugar, that which is refined and delivered, and then transported by sea or overland, the law stipulates a duty payable of 5 bezants.

For every 100 bezants' worth of sugar sold by the camel-load, the law stipulates a duty payable of 4 bezants.

The duty payable on a saddle-load of sugar is by law fixed at one *rabouin*<sup>520</sup> for every saddle-load of sugar.

As for all produce derived from the land and exported to Muslim countries, the law decrees that a duty of one *karouble*<sup>521</sup> is payable for every bezant's worth.

As for the duty on pepper, the law decrees that a duty of 11 bezants and five *karoubles* is payable on every 100 bezants' worth.

As for the duty on alum, the law decrees that for every 100 marks'<sup>522</sup> worth a duty of 11 bezants and 5 *karoubles* is payable.

As for the duty on gum-lac, the law decrees that for every 100 marks'<sup>523</sup> worth, a duty of 10 marks and 18 *karoubles* is payable.

519. The order of commodities and the duty payable on them in the Greek text does not always follow the order and duties given in the French text.

520. This coin, used in the Latin kingdom of Jerusalem, was worth three *sous*. See Schabel, *Synodicum Nicosiense*, p. 176 [9] where in his edict of 1254 against simoniacs, in the statutes of Jaffa or of Acre, Eudes of Chateauroux stipulates that 'pro sponsalibus contrahendis exiguntur a praelatis tres solidi, sive raboinus unus'.

521. The Greek word 'κουρίν', corresponds to *karouble/carouble*, which was a coin worth one twenty-fourth of a bezant in thirteenth-century Latin Syria. See the edition of Beugnot (*RHC Lois*, II, 173, Chapter 242 note b).

522. The Greek text has marks, the French text (Kausler, I, 275, ccxxxvii) has bezants.

523. See the preceding note.

As for the duty on nutmeg, or on nutmeg leaves, the law decrees that for every 100 marks' worth, a duty of 9 marks and 8 *karoubles* is payable.

As for the duty on linen, the law decrees that for every 100 marks' worth, a duty of 8 marks and 8 *karoubles* is payable.

As for the duty on cloves,<sup>524</sup> it is 9.5 bezants on every 100 bezants' worth.

The duty payable on Indian chickens is one tenth.

**Article 296 (Kausler, I, ccxxxvii). Regarding goods brought by sea and transported along the coast, that is along the shoreline, and which cannot be sold.**

The law quite properly decrees that goods transported by sea along the coast, and which cannot be sold, can be turned around and taken back. But if he has taken the goods which cannot be sold past the customs-house, he is obliged to pay on every hundred, from as much merchandise as he is able to transport to the town, 20 marks on every 100 marks' worth.<sup>525</sup> From what he sells he must pay the duty to the market, in the way in which it is established that he should give for every article he should pay for. You must know, moreover that this duty must be paid by the Muslims and by all other races from among the Syrians coming with merchandise into the land<sup>526</sup> of the kingdom.

As for the duty payable on musk, the law decrees that a duty of 8.5 marks on every 100 marks' worth is payable.<sup>527</sup>

A duty of one fourth is payable on the salted fish imported from Egypt,<sup>528</sup> which is to say that for every 4 marks' worth, a duty of one mark is payable.

As for the duty on linen brought from Egypt to Damascus, the law decrees that for every passing camel-load a duty of 1 mark and 2 *karoubles* is payable.

As for the duty on henna, the law decrees that for every bag a duty of 18.5 *karoubles* is payable.

As for the duty on aromatic herbs, that is on all the spices of the spice-vendors, the law decrees that a duty of 1 *karouble* on every mark's worth is payable.<sup>529</sup>

As for the duty on sesame, the law decrees that a duty of 2 marks on every 10 marks' worth is payable on its importation.<sup>530</sup>

The law decrees that a duty of 11 marks is payable on every 100 marks' worth of sesame oil.

524. Kausler, I, 275, ccxxxvii *add.* 'and on the leaves of cloves'.

525. Kausler, I, 275, ccxxxvii has 'eight bezants for every 100'.

526. The Greek text omits 'land'. See Kausler, I, 276, ccxxxvii.

527. Kausler, I, 276, ccxxxvii has 'bezants' instead of marks.

528. The text has Babylon, which was what the Latins called Egypt.

529. See note 527.

530. Kausler, I, 277, ccxxxvii has '... for the import of every 100, ten bezants duty must be taken'.

As for the duty on incense, the law decrees that a duty of 11 marks and 5 *karoubles* is payable on every 100 marks' worth.

As for the duty on cardamom, the law decrees that a duty of 11 marks and 5 *karoubles* is payable on every 100 marks' worth.

As for the duty on ivory,<sup>531</sup> the law decrees that 2 *karoubles* are payable on every bezant's worth.

As for the duty on Persian gum, the law decrees that a duty of 11 marks and 5 *karoubles* is payable on every 100 marks' worth.

As for the duty on galingale, the law decrees that a duty of 4 marks and 4 *karoubles* is payable on every 100 marks' worth.

As for the duty on peanuts and on lavender leaves, the law decrees that a duty of 4 marks and 4 *karoubles* is payable on every 100 marks' worth.

As for the duty on honey and sesame cakes, the law decrees that a duty of 4 marks and 4 *karoubles* is payable on every 100 marks' worth.

As for the duty on cinnamon, the law decrees that a duty of 4 marks and 4 *karoubles* is payable on every 100 marks' worth.

As for the duty on Indian carobs, a duty of 3 *karoubles* on every four marks' worth is payable.

As for the duty on ginger, the law decrees that a duty of 4 marks and 4 *karoubles* is payable on every 100 marks' worth.

As for the duty on camphor, the law decrees that a duty of 9 marks and 8 *karoubles* on every 100 marks' worth is payable.

As for the duty on borax, the law decrees that a duty of 11 marks and 5 *karoubles* on every 100 marks' worth is payable.

As for the duty on aspic, the law decrees that a duty of 4 marks and 4 *karoubles* on every 100 marks' worth is payable.

As for the duty on gilly-flower, the law decrees that a duty of 4 marks and 4 *karoubles* is payable.

As for the duty on armagnac, the law decrees that a full duty<sup>532</sup> should be paid.

As for the duty on crystallised sugar, the law decrees that a full duty should be paid.

As for the duty on dates, the law likewise decrees that a full duty should be paid.

As for the duty on emery, the law decrees that a duty of 15 marks on every 100 marks' worth is payable.<sup>533</sup>

531. The Greek text wrongly has 'λινόρε' meaning linen. See Kausler, I, 277, ccxxxvii.

532. According to the edition of Beugnot (*RHC Lois*, II, 176 no. 39), this is defined as 11 bezants and 5 *karoubles* on every 100 bezants or marks.

533. Kausler, I, 279, ccxxxvii has '... ten bezants duty on every 100'.



As for the duty on liquorice,<sup>534</sup> the law decrees that portions of one tenth and one twentieth be taken from the Muslims and the Syrians, but from Latins only 12 marks on every 100 bezants' worth.

As for the duty payable on arsenic, the law decrees that a duty of 11 marks and 5 *karoubles* on every 100 marks' worth is payable.

As for the duty payable on camphor root, the law decrees that a duty of 11 marks and 5 *karoubles* is payable.

As for the duty on buckles and saddles being taken out of the city, the law decrees that a duty of 1 *karouble* on every mark's worth is payable.

As for the duty on yellow arsenic, the law decrees that a full duty is payable.

As for the duty on frankincense, the law decrees that a duty of 10 marks and 18 *karoubles* is payable.

Know well that the law decrees that a duty of one fourth of the cost is payable on the planks and beams taken out of the ground.

As for the duty on threshing sherds, the law decrees that one tenth is payable.

As for the duty on salted fish taken out of the city, the law decrees that a duty of one fourth of the cost is payable.<sup>535</sup>

As for the duty on fruit, the law decrees that a duty of 13 marks for every 100 marks' worth is payable.

As for the duty on chickens and on glassware which is exported, the law decrees that a full duty is payable.

As for the duty on glasses, the law decrees that a duty of 2 *karoubles* for every mark's worth is payable.

As for the duty on olives, the law decrees that a duty of 13 marks on every 100 marks' worth is payable.<sup>536</sup>

As for the duty on wine brought over from Nazareth, from Saphorie<sup>537</sup> and from Saphran, the law decrees that a duty of 12 *drahans*<sup>538</sup> on every camel-load is payable.

As for the duty on Damascene thread, the so-called Damask thread, the law decrees that a full duty is payable.

534. The Greek word is 'χαλῆζ', which sounds like the word for sesame cakes (χελῶες) occurring above. But Kausler, I, 279, ccxxxvii has *requelice* meaning liquorice.

535. Kausler, I, 280, ccxxxvii has '... one must take 14 bezants' duty on every 100 of fruit'.

536. Kausler, I, 280, ccxxxvii has '... one must take a duty of 20 bezants on every 100 bezants of olives'.

537. These are all places in Palestine, and this passage, literally translated from the French, does not concern the import of wines into Cyprus, but its transport within Latin Syria during the time in which the Kingdom of Jerusalem was still in existence.

538. A unit of currency worth 100 *denarii*. See the edition of Beugnot (*RHC Lois*, II, 177 note b).

As for the duty on senna, the law decrees that a duty of 20 marks on every 100 marks' worth is payable.

As for the duty on red-currants, the law decrees that a duty of 8.5 marks on every 100 marks' worth is payable.

As for the duty on wine brought over from Antioch and Latakia to these parts, the law decrees that a duty of 1 *karouble* for every mark's worth is payable.

As for the duty on shoes of the type purchased by Muslims, a duty of one tenth is payable.

Know well that the law decrees that a duty of one tenth is payable on bread.

Know well that the law decrees that a duty of one tenth is payable on eggs.

Know well understood that the law decrees that a duty of one tenth is payable on chickens and on young chicks.

As for the duty on goats imported from Muslim countries, the law decrees that a duty of 12.5 marks on every 100 marks' worth is payable.

As for the garlic brought here from the interior of the country, the law decrees that a duty of one tenth is payable.

As for the oil arriving at the market place, the law decrees that a duty of 8 marks and 4 *karoubles* is payable on every 100 marks' worth.

As for the dye made from oak-bark, the law decrees that a duty of 5 marks and 18 *karoubles* is payable on every 100 marks' worth.

As for the wool brought in from every place, the law decrees that a duty of 10 marks and 8<sup>539</sup> *karoubles* is payable on every 100 marks' worth.

As for wax, the law decrees that a duty of 11<sup>540</sup> marks and 5 *karoubles* is payable on every 100 marks' worth.

As for fur, the law decrees that a full duty is payable, that is to say 11 marks and 5 *karoubles* on every 100 marks' worth.

**Article 297<sup>541</sup> (Kausler, I, ccxxxviii)**

All of you should know well that the kings and all other persons ordained in common that no Syrian, nor all others from among the men and women obliged to give dues at the court of the covered market, such as Syrians, Greeks, Nestorians, Jacobites, Samaritans, Jews and Egyptians, and all people about to come and stay in the city of Acre from the upper market, and from the lower market, can do so in accordance with his own laws and assizes. For the ruler will quite rightly not acknowledge any law

539. Kausler, I, 281, ccxxxvii has '18' instead of 8.

540. Kausler, I, 282, ccxxxvii has 2 instead of 11, but the Venice manuscript below (ccxxiii) has 11.

541. This number is omitted in the Greek text (Sathas, *Μεσαιωνική Βιβλιοθήκη*, VI, 242) but is found in the chapter headings at the beginning of the Greek text (Sathas, *Μεσαιωνική Βιβλιοθήκη*, VI, 23).

other than his own as regards what it has been established to be taken from them, as you will hear below.<sup>542</sup>

As regards all Syrian and Greek stall-keepers, the law decrees that for whatever they receive as payment from any articles bought from the lower market, they must give 6 *tracheae* for every mark of passage to the corner of the upper market, by law.

As regards the bread made from wheat and barley which any from among these people, Syrians and Greeks,<sup>543</sup> might purchase from the lower market, whether this be for the upkeep of their households, or for their children, the law decrees that they must pay a right of passage of 2 *tracheae*<sup>544</sup> for every mark's worth, for as much bread as they have bought.

The law decrees that all villagers resident in the ruler's land, that is in the area of the diocese of Acre, must pay a duty of one tenth on everything which they might purchase from the lower market, whether clothing or any other articles.

As for the wine purchased from the lower market by Syrians and Greeks who are obliged to offer payment, either in order to resell it or for their own consumption, they are obliged by law to pay rights of passage amounting to 6 *dragans* for every wine-butt.

As for the salt purchased and exported,<sup>545</sup> the law decrees that a duty of 4 *dragans* for every *modius* is payable.

Regarding all articles made from potter's clay, such as bowls, cooking-pots and pitchers, the law decrees that a duty of one fourth is payable upon its exportation.

Regarding the articles made from potter's clay imported to Acre from Muslim countries, the law decrees that a duty of 2 *karoubles* on every mark's worth is payable.

As regards articles of clothing brought by traders from Antioch, such as scarves, tablecloths and other wrought articles fashioned from silk and threaded with linen, the law decrees that a duty of 5 *karoubles* on every 100 bezants' worth is payable.

As regards sewn articles of clothing, the law decrees that a duty of 7 marks on every 100 marks' worth is payable.

As regards buckram cottons or linens and articles of cotton, the law decrees that a duty of 8.5 marks on every 100 marks' worth is payable.

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542. For the market of Acre see J.Prawer, 'L'établissement des coutumes de marche a Saint-Jean d'Acre et la date de composition du *Livre des Assises des Bourgeois*', *Revue historique de droit français et étranger* (Paris, 1951), pp. 329-351; J.Richard, 'Colonies marchandes privilégiées et marche seigneurial. La fonde d'Acre et ses "droitures"', *Moyen Age* 59 (Paris, 1953), 325-340; D. Jacoby, 'The fonde of Crusader Acre and its Tariff: Some New Considerations', *Dei Gesta Per Francos. Crusade Studies in Honour of Jean Richard*, ed. M. Balard, B.Z. Kedar and J. Riley-Smith (Aldershot, 2001), pp. 277-293.

543. Kausler, I, 283, ccxxxvii *om.* 'Greeks'.

544. This was otherwise known as the white bezant. See Edbury, *Kingdom of Cyprus*, p. 20.

545. Kausler, I, 283, ccxxxvii *add.* 'by Muslim villagers'.

As regards all those selling corn in the marketplace, whether Latins or Syrians, the law decrees that a duty of one tenth is payable. Should some person liable for payment, however, have brought wheat or barley, and he does not wish to sell it, declaring that he brought it for his sustenance, or for his household, the law decrees that the person declaring this should swear upon the Gospels that he did not bring the grain in order to resell it, but for his sustenance, and then he can take it. The law decrees, however, that in accordance with the law and with the assizes he should give a duty of 6 *tracheae* on every *modius* for rights of passage.

As for hazelnuts exported from the country, the law decrees that a duty of 3 *karoubles* for every *modius* is payable.

As for spring onions exported from the country, the law decrees that a duty of one fourth is payable.

As for the wine brought overland from Muslim countries,<sup>546</sup> the law decrees that a duty of 3.5 *dragans* is payable on every wine-skin.

As for the painted marble bowls and basins imported from Muslim countries, the law decrees that a duty of 2 *karoubles* for every mark's worth is payable.

As for the grapes brought over, the law decrees that a duty of 2 *sous* is payable on every camel-load.

As for every donkey-load of grapes, the law decrees that a duty of 18 *tracheae* is payable.

As for every load of figs, the law decrees that a duty of 3 *dragans* is payable.

And for every donkey-load of carobs, the law decrees that a duty of 3 *dragans* is payable.

For every camel-load of carobs, the law decrees that a duty of 3 *dragans* is payable.<sup>547</sup>

For every donkey-load of wood, the law decrees that a duty of 3 *dragans* is payable.<sup>548</sup>

As for almonds and walnuts, the law decrees that a duty of 2 *karoubles* for every mark's worth is payable.

As for onions and garlic exported from the country, the law decrees that a duty of one tenth is payable.

As for carobs exported, the law decrees a duty of 2 *karoubles* for every mark's worth is payable.

As for dried figs, the law decrees that a duty of one *karouble* for every mark's worth is payable.

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546. This is clearly not applicable to Cyprus.

547. Kausler, I, 285, ccxxxvii has 4 *drahans* instead of 3.

548. Kausler, I, 285, ccxxxvii has 'a duty of one fourth' instead of 3 *drahans*.

As for donkey-hides,<sup>549</sup> the law decrees that a duty of one *karouble* for every mark's worth is payable.

As for sesame dip, the law decrees that a duty of one tenth is payable.

As for butter, fresh or old, the law decrees that a duty of one tenth is payable.

As for the camel-loads of wine transported to the localities of Casal Imbert, or Nazareth, or to Caypha, the law decrees that a duty of 14 *dragans* on every 2 butts is payable.

As for arrows and spears, the law decrees that a duty of 2 *karoubles* on every mark's worth is payable.

As for capers, the law decrees that a duty of one fourth is payable, and that the horse transporting them is to be free of duty.

As for asparagus, the law decrees that a duty of one fourth is payable.

As for olives, the law decrees that a duty of one fourth is payable.

As for quinces, a duty of one fourth is payable.

As for pears and apples, a duty of one fourth is payable.

As for terebinths, the law decrees [that a duty of] one fourth [is payable].

As for the cheese imported from Muslim countries and sold in the marketplace, the law decrees that a duty of one tenth is payable.

As for the straw brought for the purpose of making baskets, that is to say from bamboo cane, the law decrees that a duty of one fourth is payable.

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549. Kausler, I, 286, ccxxxvii has 'horse-hides' and decrees a duty of one tenth.





**THE ASSIZES OF  
THE LUSIGNAN KINGDOM  
OF CYPRUS**

**CODEx TWO**



The headings of the first twelve articles of these assizes are missing from this manuscript (Bibl. Nat. Paris, Codex 1390).

**Article 13.** (Kausler, xiii). This concerns the sacred constitutions. Here the law regarding the rights of the churches is explained, and how no secular person should neither have, nor maintain under his authority any right of the above-mentioned holy churches.

**Article 14.** (Kausler, xiv). On how the secular court<sup>1</sup> is obliged and able to come to the assistance of the holy church as regards every summons it might have, to judge it and to conclude it.

**Article 15.** (Kausler, xv).<sup>2</sup> Regarding judgements, what kind of person can summon another man to court, and who cannot do so.

**Article 16.** (Kausler, xvi). The punishment that should be administered to the slave<sup>3</sup> who summons his master to court.

**Article 17.** (Kausler, xvii). What kind of person can issue a court summons on behalf of another.

**Article 18.** (Kausler, xviii). Regarding those persons able to issue a court summons on their own account, but not on behalf of another.

**Article 19.** (Kausler, xix). Regarding those able to issue a summons on their own account and on behalf of their children.<sup>4</sup>

**Article 20.** (Kausler, xx). Regarding advocates, when they should be granted an audience in court, and when otherwise.

**Article 21.** (Kausler, xxi). Regarding minors, and those who have ruined their own fortunes,<sup>5</sup> the issues concerning which they can issue a court summons, and those concerning which they cannot do so.

**Article 22.** (Kausler, xxii-xxiii). Here are stated the issues over which people can issue summonses in the secular court located in the town, and those over which they cannot.

**Article 23.** (Kausler, xxiv). Regarding which is it is not possible to issue a summons in the secular court located in town, and if such summonses are issued, they should not be given a hearing.

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1. Kausler, I, 3, xiv has 'the royal court and the assessors' instead of 'secular court'.

2. Kausler, I, 3, xv *add. de iure civili filius familias*.

3. Kausler, I, 3, xvi has 'a male or female slave'.

4. Kausler, I, 4, xix has 'who can lawfully plead for themselves or for another person'.

5. Kausler, I, 4, xxi *om.* 'concerning ... cannot do so'.

**Article 24.** (Kausler, xxv). Since it has been shown and explained what kind of persons the assessors should be and what they should do, how the viscount should conduct himself, what kind of persons the advocates should be, what kind of persons can issue summonses against other persons in the secular court located in the town, and what kind of persons cannot do so,<sup>6</sup> we now begin to explain the judgements, and first of all let us explain matters as regards the king.

**Article 25.** (Kausler, xxvi). As regards the authority which the king exercises over his people, his obligations towards his people, the people's obligations towards their king, and the oath they take towards the king.

**Article 26.** (Kausler, xxvii). Regarding sales and purchases, which sale should be considered valid and which sale is invalid and untimely, according to what is laid down and according to the assises.

**Article 27.** (Kausler, xxviii). Regarding the seller and the buyer where the seller receives part-payment for what he has sold to the buyer, even if it were only one *trachea* by way of payment.

**Article 28.** (Kausler, xxix). Regarding an article in the possession of the person who has bought it, who then wishes to change his mind, and what the law decrees.

**Article 29.** (Kausler, xxx). Regarding the person who sells another's inheritance, and what rights pertain to the relatives of the deceased.

**Article 30.** (Kausler, xxxi). Regarding one who purchases an inheritance, whether he can keep it<sup>7</sup> for a year and a day without his right of ownership being challenged, what dues are payable by one who has sold his inheritance to the king, and what dues are payable by the person purchasing it, according to the assises.

**Article 31.** (Kausler, xxxii). Regarding one who receives a house by way of security for payment he has given, and if it is rentable to whom the rent should belong, or whether, in instances where he dwells in the house, he should pay rent to its owner.

**Article 32.** (Kausler, xxxiii). Regarding one who sells an untamed beast, and regarding the person who purchases this beast.

**Article 33.** (Kausler, xxxiv). Regarding one who sells or who buys a male or female slave who then falls ill with a serious malady.

**Article 34.** (Kausler, xxxv). Regarding one who buys a male or female slave whom he discovers to be leprous<sup>8</sup> after having bought her, and regarding the person selling him, and what must be legally done according to the assises.

**Article 35.** (Kausler, xxxvi). Regarding a man or a woman who has purchased a pig or a sow that is sickly.

**Article 36.** (Kausler, xxxvii). Regarding a seller who sells a security without giving notice to the man or woman who had given it.

6. Kausler, I, 4, xxv *om.* preceding passage.

7. Kausler, I, 5, xxxi has 'and can keep it'.

8. Kausler, I, 5, xxxv *om.* the subsequent passage.

**Article 37.** (Kausler, xxxviii). Regarding a man or a woman who purchases<sup>9</sup> a sacred object.

**Article 38.** (Kausler, xxxix). Regarding one who sells a horse to another person within a set time, where the buyer lacks the wherewithal to pay for the horse,<sup>10</sup> and what can happen to the debtor in court, according to the assizes.

**Article 39.** (Kausler, xl). Regarding one who lends his horse or his mule to one who is a guarantor, or to someone else who is a debtor, and how he can lawfully take it back on account of the debt owed to him.

**Article 40.** (Kausler, xli). Regarding those sellers who exhibit a good sample of those things that they wish to sell, and then give other than what they have shown.

**Article 41.** (Kausler, xlii). Regarding loans of wares transported across the sea for purposes of profit.

**Article 42.** (Kausler, xliii). In what place it was decreed by King Aimery that judgements on seafarers, ships and boats should be passed.

**Article 43.** (Kausler, xliv). Regarding one who has given his goods for them to be taken to a predetermined place when the goods are taken elsewhere. The person, moreover, who has taken the goods to a place where he was neither sent nor to which he had agreed to take them makes a profit on them.<sup>11</sup>

**Article 44.** (Kausler, xlv). Regarding those things thrown overboard in the course of bad weather in order to lighten the load of the ship.

**Article 45.** (Kausler, xlvi). Regarding seafarers who have agreed to make a journey, and having taken their securities then change their minds.

**Article 46.** (Kausler, xlvii). Regarding false Christians who take prohibited goods to Muslim lands, and what judgement should be passed on such persons.

**Article 47.** (Kausler, xlviii). Regarding merchandise handed over by someone for transportation across the sea, when it happens that pirates seize everything on board ship, both things belonging to the owner and other things, or if the ship is wrecked, losing all its cargo.

**Article 48.** (Kausler, xlix). Regarding those things thrown overboard on account of bad weather, which some people discover on the sea bed, or on account of the movement of the tide, and what is due to the person discovering them on the sea bed, as well as what share is due to the person finding them afloat in the sea.

**Article 49.** (Kausler, l).<sup>12</sup> Regarding one who lends what is his, and [the borrower] wishes to give him other than what he has lent.

9. Kausler, I, 6, xxxviii *add.* 'or who sells'.

10. Kausler, I, 6, xxxix *om.* the subsequent passage.

11. Kausler, I, 7, xlv mentions the possibility of a loss being made on them.

12. The headings of Kausler, I, 7, articles l-li are missing from the Munich version, as are the final part of Article xlix, the whole of article l and the beginning of article li. The information therein, however, can be found from examining headings xlvii-xlviii of the Venice manuscript (Kausler, I, 7) and articles xlvii-xlviii of the Venice manuscript (Kausler, I, 81-83).

**Article 50.** (Kausler, li). Regarding one who lends what is his to another, and when he asks for it back, the other party responds that the borrower owes him more than what he has asked from him, and so he does not intend to repay him, **so long as the court does not acknowledge this debt.**<sup>13</sup>

**Article 51.** (Kausler, lii). Regarding a person who refuses to acknowledge a debt, and who subsequently acknowledges it in court without being forced to do so by witnesses, and what legal measures he should be subject to.

**Article 52.** (Kausler, liii). Regarding one who lends what is his to another, summons two witnesses [to recover the loan], and one of them subsequently dies.

**Article 53.** (Kausler, liv). Regarding one who has lent what is his, where the borrower admits to owing on part of the debt, but not the other.

**Article 54.** (Kausler, lv). Regarding one who has pledged his horse as a security.

**Article 55.** (Kausler, lvi). Regarding securities that are lost.

**Article 56.** (Kausler, lvii). Regarding one who lacks the wherewithal to pay his debts.

**Article 57.** (Kausler, lviii). Regarding Latins and Syrians, in cases of debts owed by one party to the other.

**Article 58.** (Kausler, lix). Regarding Latins and Muslims in cases of debt.<sup>14</sup>

**Article 59.** (Kausler, lx). Regarding [cases between] Greeks<sup>15</sup> and Latins, and the type of testimony required.

**Article 60.** (Kausler, lxi). Regarding [cases between] Greeks and Armenians and the type of testimony required.

**Article 61.** (Kausler, lxii). Regarding [cases between] Syrians and Nestorians.

**Article 62.** (Kausler, lxiii). Regarding [cases between] Syrians<sup>16</sup> and Jacobites.

**Article 63.** Regarding [cases between] Samaritans and Muslims, **and the type of testimony required in court.**<sup>17</sup>

**Article 64.** (Kausler, lxiv). Regarding one who has been handed over to the court on account of being in debt.

13. The words in bold are not part of the French original (Kausler, I, 7, xlviij [li]).

14. Kausler, I, 8, lix *om.* 'in cases of debt'.

15. The word 'Romans' (Ῥωμαῖοι) in the Greek text is translated throughout as Greeks, as it refers to the Greek population of Cyprus who were former subjects of the Byzantine empire, not to Romans in the classical sense, that is citizens of ancient Rome who spoke Latin.

16. Kausler, I, 8, lxiii has 'Nestorians' instead of 'Syrians'.

17. This heading, found in neither the Munich or Venice versions of the *Assises de la cour des Bourgeois* published by Kausler, is found in the *Assises de la Cour des Bourgeois, Recueil des Historiens des Croisades, Lois II*, (Paris, 1843), 7, no. lxv, publ. by M. le Comte Beugnot, and derives from the Saint Germain Manuscript, no. 430. The words in bold are not found in the Greek text.



**Article 65.** (Kausler, lxv-lxvi). Regarding guarantors,<sup>18</sup> in cases where the lender cannot be repaid what he has lent.

**Article 66.** (Kausler, lxvii). Regarding a guarantor who denies having offered a guarantee and subsequently admits to having done so.

**Article 67.** (Kausler, lxviii). Regarding one who sells the security of his guarantor for more than what is owed to him.<sup>19</sup>

**Article 68.** (Kausler, lxix). Regarding a creditor who delays the sale of a security within a set time, once he has come into possession of it.

**Article 69.** (Kausler, lxx). Regarding those guarantors who wish to be relieved of this obligation, when they can be so relieved, and when they cannot.

**Article 70.** (Kausler, lxxi). Regarding the security of the guarantor.

**Article 71.** (Kausler, lxxii). Regarding the debtor who allows the securities of his guarantors to be sold, and does not have the wherewithal to compensate them.

**Article 72.** (Kausler, lxxiii). Regarding those guarantors who lack the wherewithal to act as such, or who have gone away and departed from the kingdom.

**Article 73.** (Kausler, lxxiv). Regarding securities, and for how long they can be held prior to their sale.

**Article 74.** (Kausler, lxxv). Regarding those securities withdrawn from their initial sale, without the permission of their owner, the securities subsequently being sold on the following day for a lower sum, and who is liable for the damage.<sup>20</sup>

**Article 75.** (Kausler, lxxvi). Regarding those guarantors who have died without paying whatever they had guaranteed, and to whom the lender should address himself.

**Article 76.** (Kausler, lxxvii). Regarding one who receives some article from his debtor in order to extend his time of repayment.

**Article 77.** (Kausler, lxxviii). Regarding the guarantor who offers a guarantee and lacks the wherewithal to honour it, and regarding the debtor who cannot be apprehended.<sup>21</sup>

**Article 78.** (Kausler, lxxix). Regarding the guarantor when he desires to be relieved of his pledge, in which cases he can be relieved of his pledge, and in which cases he cannot be so relieved.

**Article 79.** (Kausler, lxxx). Regarding a guarantor who acknowledges only one half of the security he has pledged.

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18. Kausler, I, 9 lxv-lxvi *om.* the subsequent passage.

19. Kausler, I, 9, lxviii *add.* 'and what must be done with the surplus'.

20. Kausler, I, 9, lxxv *add.* 'the owner of the security or the vendor'.

21. Kausler, I, 10, lxxviii has 'and of the debtor who can well be arrested and taken into custody'.

**Article 80.** (Kausler, lxxxi). Regarding the [legal] force of the securities taken from the guarantors.

**Article 81.** (Kausler, lxxxii). Regarding who is able to sell the house of the debtor, whether this should be the guarantor or the creditor.<sup>22</sup>

**Article 82.** (Kausler, lxxxiii). Regarding those securities offered by the guarantors which have been sold, and who should make good the damage.

**Article 83.** (Kausler, lxxxiv). Regarding one who lends his beast to another, who happens to be in debt.<sup>23</sup>

**Article 84.** (Kausler, lxxxv-lxxxvi). Regarding a servant working for someone, and the powers over him that can be exercised by the person who has him in his pay.<sup>24</sup>

**Article 85.** (Kausler, lxxxvii). Regarding the servant, or the chambermaid working in someone's pay, and if they find something, to whom should it belong.<sup>25</sup>

**Article 86.** (Kausler, lxxxviii). Regarding the servant or the chambermaid who steal something belonging to the person who has them in his pay.

**Article 87.** (Kausler, lxxxix). Regarding the servant or the chambermaid who lose something belonging to their master.

**Article 88.** (Kausler, xc). Regarding one who beats his servant, or his chambermaid.

**Article 89.** (Kausler, xci). Regarding the tailor who takes all the articles to be sewn from people, and makes off with them, and likewise as regards other artisans.

**Article 90.** (Kausler, xcii-xciii). Regarding rent-paying tenants, and how and when a man or a woman who has rented a house can depart from it.

**Article 91.** (Kausler, xciv). Regarding those tenants who are unwilling to pay their rent.<sup>26</sup>

**Article 92.** (Kausler, xcv). Regarding one who hires a beast from someone else and drives it along until it dies, and who is liable for the damages.

**Article 93.** (Kausler, xcvi). Regarding a driver of camels who hires out his camels, which then collapse and cause damages<sup>27</sup> and who is liable for these damages.

**Article 94.** (Kausler, xcvi). Regarding a hired beast that collapses in the street.<sup>28</sup>

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22. Kausler, I, 10, lxxxii *add.* 'which sale is valid, and which is not'.

23. Kausler, I, 10, lxxxiv *add.* 'and how he can forfeit his beast by law'.

24. Kausler, I, 10, lxxxvi *add.* 'as well as the servant's rights over him'.

25. Kausler, I, 11, lxxxvii *add.* 'either to the servant or to the master or to someone else'.

26. Kausler, I, 11, xciii *add.* 'and how the man or woman owning the hostel can take what is due to them as payment'.

27. Kausler, I, 11, xcvi *om.* 'and who is liable for these damages'.

28. Kausler, I, 12, xcvi *add.* 'and dies, and who should be liable for the loss, whether it be the person who hired it out, or the person who led it along the street'.

**Article 95.** (Kausler, xcvi). Regarding a person who has hired a beast and had some medical treatment administered to it, and the beast then dies.<sup>29</sup>

**Article 96.** (Kausler, xcix). Regarding one who hires a beast and then sells it, or hands it over as a security, or takes it to repay a debt that he owes someone.

**Article 97.** (Kausler, c). Regarding those who give out their houses or fields or orchards for a rental payment.

**Article 98.** (Kausler, ci). Regarding one who rents someone else's property, and who is unwilling to pay the rent, and to whom the owner of this property should address himself.

**Article 99.** (Kausler, cii). Regarding one who has leased some property and does not wish to pay the leasing charges. The owner of the leasehold, moreover, takes it as a security and expends some money on account of having done so, and who should lawfully pay for these expenses.

**Article 100.** (Kausler, ciii-civ). Regarding items surrendered by one person to another, and which are then lost.

**Article 101.** (Kausler, cv). Regarding one who surrenders an article, such as a locked casket, and who subsequently finds it open.

**Article 102.** (Kausler, cvi). Regarding the transfer [of goods] done by one person to another.

**Article 103.** (Kausler, cvii). Regarding two persons who surrender some property to a hotelier, and in which cases the hotelier is obliged<sup>30</sup> not to give it, neither to the one, nor to the other.

**Article 104.** (Kausler, cviii-cix). Regarding the associations formed by people among themselves.<sup>31</sup>

**Article 105.** (Kausler, cx). Regarding the associate who causes damage to the association.

**Article 106.** (Kausler, cxii). Regarding the agreements that people conclude among themselves, which agreements are valid and which are not valid.

**Article 107.** (Kausler, cxiii). Regarding a person who has come to an agreement with another person to do harm, and who does not fulfil it.<sup>32</sup>

**Article 108.** (Kausler, cxiv). Regarding those who come to an agreement to do some wrongdoing, and then fulfil it.

29. Kausler, I, 12, xcvi *add.* 'and who should be liable for the loss'.

30. Kausler, I, 13, cvii has 'and when he is obliged to make good what was given' in the passage following this note.

31. Kausler, I, 13, cviii *add.* 'for profit in the course of a voyage'.

32. Kausler, I, 13, cxiii *om.* 'and does not fulfil it'.

**Article 109.** (Kausler, cxv). Regarding one who takes an oath before [the matter] goes to court.

**Article 110.** (Kausler, cxvi-cxvii). The issues over which the court gives a predetermined day to the litigants.

**Article 111.** (Kausler, cxviii). Regarding one who was due to [appear in] court in the morning, who failed to appear on the day assigned to him, and what he should pay the court.

**Article 112.** (Kausler, cxix). Regarding a person who is not from the city, and who did not come [to court] on the day assigned to him.

**Article 113.** (Kausler, cxx). Regarding one who is unable to appear on his day, and regarding the oath that his servant takes on his behalf, because he had been unable to appear in person.

**Article 114.** (Kausler, cxxi). Regarding when the claimant loses his claim, and when the defendant loses.<sup>33</sup>

**Article 115.** (Kausler, cxxii). Regarding one who has an open wound, and regarding the person who gave it to him, and whether [the former] should be assigned a day or not.<sup>34</sup>

**Article 116.** (Kausler, cxxiii). Regarding one who has summoned another person to court, who has received a day that was unscheduled,<sup>35</sup> and has not declared why he had summoned him, and what law should be implemented.

**Article 117.** (Kausler, cxxiv). Regarding the guarantor who has promised the court that another would come on the day assigned to him, when the proxy failed to appear on this day, and<sup>36</sup> what the guarantor is liable for on account of the proxy.

**Article 118.** (Kausler, cxxv). Regarding the legal rights that all persons have in relation to the viscount as regards claims submitted in his presence.

**Article 119.** (Kausler, ccxxvi). Regarding members of the clergy, men of religion, who issue a court summons **in the royal court**, and when they lose their case their superior declares that he does not wish to be bound by the decision taken regarding his brethren **in the court where the summons were issued**.<sup>37</sup>

**Article 120.** (Kausler, cxxvii). Regarding one who seeks judgement where this is left in suspense, because the assessors cannot come to an agreement.

**Article 121.** (Kausler, cxxviii). Regarding a person who has a married woman summoned to court, and whether she is obliged to account for herself before him in court, or not.<sup>38</sup>

33. Kausler, I, 14, cxxi has 'and when the defendant wins it'.

34. Kausler, I, 14, ccxxii *add.* 'for his claim'.

35. Kausler, I, 14, cxxiii *om.* 'which was unscheduled'.

36. Kausler, I, 14, cxxiv has 'and in which court the guarantor must shoulder liability for that which he has pledged'.

37. Kausler, I, 14, ccxxvi *add.* words in bold.

38. Kausler, I, 15, cxxviii *add.* 'and within which deadline'.

**Article 122.** (Kausler, cxxix). Whether the guarantee is valid in instances where a man takes a married woman to be his guarantor.<sup>39</sup>

**Article 123.** (Kausler, cxxx). Regarding one who marries a widow who happens to be in debt, and who is obliged to repay that debt.

**Article 124.** (Kausler, cxxxi). Regarding one who ravishes a virgin, either with her consent or forcibly, where this takes place without the knowledge of her father, or of her mother, or of those who have her in their care.<sup>40</sup>

**Article 125.** (Kausler, cxxxii). Regarding one who dishonours a virgin, and who asks to fight a judicial duel to prove that he has not done this, and what law should be applied to the person who is vindicated in the course of the judicial duel.<sup>41</sup>

**Article 126.** (Kausler, cxxxiii). Regarding cases tried in court, and the reasons for which a lawyer, a so-called advocate, should be present, and the reasons for which he should not be present.

**Article 127.** (Kausler, cxxxiv-cxxxv). What kind of person can offer testimony on behalf of another in court, and who cannot do so.

**Article 128.** (Kausler, cxxxvi). Regarding one who wishes to offer testimony for a fee, and what law should be applied with regard to the person who does this.

**Article 129.** (Kausler, cxxxvii). Regarding those who are entitled to offer testimony, and those not so entitled.

**Article 130.** (Kausler, cxxxviii). Regarding a man who wishes to offer testimony against a woman, and whether a judicial duel is required or not.

**Article 131.** (Kausler, cxxxix). Regarding the viscount and the sergeants supervising the collection of taxes,<sup>42</sup> who wish to offer testimony in court, and whether it is valid.

**Article 132.** (Kausler, cxl). Regarding testimony offered in writing, which written testimony is valid, and which written testimony is not valid.

**Article 133.** (Kausler, cxli). Regarding privileges and other charters, which charters are valid, and which are not valid.

**Article 134.** (Kausler, cxlii). Regarding the charters of the associations called communes in the Roman tongue.

**Article 135.** (Kausler, cxliii). Regarding those charters which have not been witnessed, and whether they should have validity or not.

39. Kausler, I, 15, cxxix *add.* 'or a wife takes her husband'.

40. Kausler, I, 15, cxxxi *add.* 'and what law must be applied to the person doing this'.

41. Kausler, I, 15, cxxxii *add.* 'as well as to the person who is not vindicated'.

42. These were the *platearii*, who were court officials. See J. Prawer, 'The Italians in the Latin Kingdom', and 'The Origins of the Court of Burgesses' in *Crusading Institutions* (Oxford, 1980, repr. 1998), pp. 234-235 and 265.

**Article 136.** (Kausler, cxliv). Regarding which issues can be tried in the courts of the communes, and regarding which issues justice cannot be administered in courts other than the Royal Court.

**Article 137.** (Kausler, cxlv). Regarding one who is about to offer testimony in court, and who happens to be wounded, or an old man past the age of majority, and whether another man can replace him.

**Article 138.** (Kausler, cxlvi). Regarding a wounded man who is asked to fight a judicial duel over [charges of] murder.

**Article 139.** (Kausler, cxlvii). Regarding one who owes something to a dead man, and who denies owing it **to the person to whom the dead man's effects are due** when asked for it.<sup>43</sup>

**Article 140.** (Kausler, cxlviii). Regarding the person from whom testimony should not be accepted.

**Article 141.** (Kausler, cxlix). Regarding the testimony of a person who is of the clergy, and the testimony of a priest and of a deacon, when it is valid, and when it is invalid.

**Article 142.** (Kausler, cl). Regarding those accusations brought forward by people simultaneously, as over the boundary walls of houses, wherever they be, and which should be given a hearing.

**Article 143.** (Kausler, cli). Regarding two burgesses who have a court case between them, or some difference of opinion over a house, and how the viscount and the assessors are obliged to go and examine the dispute, and to resolve it according to the law and the assizes.

**Article 144.** (Kausler, clii). Regarding one who places the rafter of his roof upon the wall of another, and what should be done by law.

**Article 145.** (Kausler, cliii). Regarding an abandoned spot where there have been no houses for a long time, and where people wish to build and erect houses, and what should be done by law.

**Article 146.** (Kausler, cliv). Regarding the damages sustained by a man or a woman outside the boundary walls of their house.

**Article 147.** (Kausler, clv). Here begin the laws on marriage (and the law is written in Latin) and on negotiations leading to marriage.<sup>44</sup>

43. Kausler, I, 16, cxlvii *add.* words in bold.

44. Kausler, I, 17, clv has 'Here you shall hear and the law decrees that as you have heard the law on other matters, it is right that you should know what the law and the assizes decree regarding marriages, which marriages are valid, and which ones are not valid and should not be maintained, neither as regards knights, or liege-men, or burgesses. For no law sanctions a marriage between a knight and a burgess, and so it should not be recognised, for it has no place in law, nor in the assizes, nor is such a marriage right'.



**Article 148.** (Kausler, clvi). Regarding marriages that take place, how old the man should be and how old the woman should be.<sup>45</sup>

**Article 149.** (Kausler, clvii). On what grounds a man and wife who were joined in matrimony in other than the proper manner can be separated.

**Article 150.** (Kausler, clviii). Regarding a man who has married a woman related to him, regarding the priest who blessed them, and all who happened to be present at the wedding.<sup>46</sup>

**Article 151.** (Kausler, clix). Regarding how a person should become engaged, how he should be married in church, which marriage is valid and which marriage is not valid, and what fine should be given to the church by the man or woman on account of whom a marriage is prevented from taking place.

**Article 152.** (Kausler, clx). Regarding engagements and the breaking of engagements, and what fines people should pay.

**Article 153.** (Kausler, clxi). Regarding one who has become engaged to a woman, who does not marry her, and who has given her something, and whether he can subsequently take it back, or not.

**Article 154.** (Kausler, clxii). Regarding a man [who becomes engaged to a woman] or a woman who becomes engaged to a man, and one of the two parties dies before the marriage takes place, and what legal provision must be made regarding their personal effects remaining with their relatives.

**Article 155.** (Kausler, clxiii). Regarding a widowed woman who gets married to another man within a year of having become widowed.

**Article 156.** (Kausler, clxiv). Regarding the alternative punishment to be visited upon a [widowed] woman who gets married to a man before a year and a day from the time of her first husband's death have passed.<sup>47</sup>

**Article 157.** (Kausler, clxv). Regarding an alternative punishment to be visited upon a widow who gets married before the due passage of time following the death of her husband.

**Article 158.** (Kausler, clxvi). Regarding the effects of the children of the first husband, and whether they are empowered to bequeath anything belonging to them to their mother, should they fall ill and die.<sup>48</sup>

**Article 159.** (Kausler, clxvii). Regarding one who is obliged to pay the dowry of the wife for her late husband.

**Article 160.** (Kausler, clxviii). Regarding a woman who has cause to ask for her dowry back, and who can have it even while her husband is still living.

45. Kausler, I, 17, clvi *add.* 'before they can be married in the holy church'.

46. Kausler, I, 18, clviii *add.* 'what punishment they should undergo'.

47. Kausler, I, 18, clxiv *add.* 'or if she becomes pregnant within the same year by someone else'.

48. Kausler, I, 19, clxvi *om.* 'should ... die'.

**Article 161.** (Kausler, clxix). Regarding one who lacks the wherewithal to pay back his wife's dowry, and whether any harm should befall him.

**Article 162.** (Kausler, clxx). Regarding what form of legal provision should be made as concerns the gifts made by a husband to his wife after he has married her, and which gift is not valid.

**Article 163.** (Kausler, clxxi). Regarding the gifts which a man can make his wife, and<sup>49</sup> whether they are lawfully valid.

**Article 164.** (Kausler, clxxii). Regarding marriage, and how many times a couple can separate once they have been joined in marriage.

**Article 165.** (Kausler, clxxiii). Regarding a married couple that separates for some reason, or impediment.<sup>50</sup>

**Article 166.** (Kausler, clxxiv). Regarding a married couple that has separated and who have children, who should raise them.

**Article 167.** (Kausler, clxxv). Regarding children born out of wedlock, and what rights they should have as regards the bequests and effects of their father.<sup>51</sup>

**Article 168.** (Kausler, clxxvi). Regarding marriages, when the law and the assizes decree that they may take place, at what times a person can marry, and at what times it is prohibited for him (or her) to marry.<sup>52</sup>

**Article 169.** (Kausler, clxxvii). Regarding the same issue. The foregoing chapter was in Latin, and this is the same chapter in common parlance.<sup>53</sup>

**Article 170.** (Kausler, clxxviii). Regarding disputes between husband and wife, whether they can be tried in court, and in which court they should be tried and judged.<sup>54</sup>

**Article 171.** Regarding one who marries a **woman**<sup>55</sup> with all her rights regarding the dowry.<sup>56</sup>

**Article 172.** (Kausler, clxxx). Regarding property acquired by a man and his wife, which they have acquired and set up while together.

**Article 173.** (Kausler, clxxxi-clxxxii). Regarding wills, and how those living are obliged to bring to a conclusion the wishes of the dead.<sup>57</sup>

49. Kausler, I, 19, clxxi has 'and which should be valid by law'.

50. Kausler, I, 19, clxxiii *om.* 'or impediment'.

51. Kausler, I, 19, clxxiv *add.* 'or mother'.

52. Kausler, I, 20, clxxvi *om.* 'at what times ... to marry'.

53. Kausler, I, 20, clxxvii *om.* 'the foregoing ... in common parlance'.

54. Kausler, I, 20, clxxviii has 'and in which court the wife should issue a summons, if her husband treats her badly and beats her'.

55. The Greek text omits the words in bold.

56. Kausler, I, 20, clxxix *om.* 'regarding the dowry'.

57. Kausler, I, 20, clxxxii has 'here you shall hear the law regarding the pronouncements of the man and of the woman when they are at the point of their death, and how those directed to dispose of their goods

**Article 174.** (Kausler, clxxxiii). Regarding a person who dies intestate, and to whom his effects should be bequeathed.<sup>58</sup>

**Article 175.** (Kausler, clxxxiv). Regarding a wife who predeceases her husband, and who should duly inherit her share of the property she and her husband held in common.

**Article 176.** (Kausler, clxxxv). Regarding something which has been acquired dishonestly, and which some persons reclaim, what law should be applied.

**Article 177.** (Kausler, clxxxvi). Regarding one who dies intestate, and who has neither wife, nor children, nor next-of-kin, and on whom his effects should devolve.<sup>59</sup>

**Article 178.** (Kausler, clxxxvii). Regarding one who bequeaths in his will something from among the goods belonging to his wife, or from among the entitlements of his wife, and whether this is valid or not.

**Article 179.** (Kausler, clxxxviii). Regarding one who has died and who owes money or goods to some man, or to some woman, and who is obliged to repay this debt.

**Article 180.** Regarding a man whose wife is in debt, and under what circumstances he is obliged to repay this debt.<sup>60</sup>

**Article 181.** (Kausler, clxxxix). Regarding those gifts which a father or mother can give their children, either during their lifetime, or after they have died.

**Article 182.** (Kausler, cxc). Regarding those relatives who receive the effects of the deceased, and what obligations they are thereafter obliged to perform on the deceased's behalf, whether the effects of the deceased can cover the debts which must be repaid on his behalf or not.

**Article 183.** (Kausler, cxci). Regarding a man who has possessions, and who married a woman who also had possessions, and it then happens that he falls into debt. Whose possessions should be sold first in order to repay this debt.

**Article 184.** (Kausler, cxcii). Regarding a man or a woman who happen to be in debt, who at the point of death make a will, bequeathing to someone articles belonging to another and which are not their own, and whether the will and legacy in question is valid or not.

**Article 185.** (Kausler, cxciii). Regarding a person who has died intestate and without having made his confession, and who has neither father, nor mother, nor any relative

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are obliged to implement their directions well for giving to their charities, and how they are obliged by law and by the assizes to give that which they have been instructed to give. For this is what the law states, that if a will is badly executed by those who have the effects of the deceased in their power, and who do not give them in the manner prescribed, they will be required to come before God on Judgement Day, for this is what divine law states'.

58. Kausler, I, 20, clxxxiii *add.* 'whether to his wife or to his relatives'.

59. Kausler, I, 21, clxxxvi *add.* 'on the church or on the crown'.

60. This article is not found either in the Munich or the Venice versions of the *Assises de la Cour des Bourgeois* edited by Kausler, nor in the version edited by M. le Comte Beugnot (*RHC Lois*, II).

in the town, and for how long the court should remain in custody of his belongings, before they are lawfully handed over to the ruler.

**Article 186.** (Kausler, cxciv). Regarding one who asks for the legacy that has been bequeathed to him by some person in his will, and how he should prove his entitlement to the legacy through witnesses.

**Article 187.** (Kausler, cxcv). Regarding what a wife bequeaths to her husband just before her death, provided that he takes no other wife,<sup>61</sup> and whether this legacy is valid or invalid.

**Article 188.** (Kausler, cxcvi). Regarding the donations made by men, or by women, before their death, where the effects of the deceased remain as a security to the creditor, until they are repaid.

**Article 189.** (Kausler, cxcvii). Regarding the gifts made by a husband to his wife before death, which gift is valid and which gift is invalid, and should not be kept.

**Article 190.** (Kausler, cxcviii). Regarding the notary for wills, and who should fulfil this function.

**Article 191.** (Kausler, cxcix). Regarding the witnesses who should be present at [the making of] a will.<sup>62</sup>

**Article 192.** (Kausler, cc). Regarding a former slave, male or female, who has become a Christian and who makes a will before death, and what rights the man or woman who freed them and arranged for them to embrace Christianity have over their belongings.

**Article 193.** (Kausler, cci). Regarding a baptised former slave who dies without having made a will and without children, and to whom his possessions belong.<sup>63</sup>

**Article 194.** (Kausler, ccii). The reasons for which a Muslim, or a male or female slave who have been freed, can be reduced once more to servitude.

**Article 195.** (Kausler, cciii). Regarding one who makes his slave his heir, and the obligations thereafter attendant on this slave, whether of his own free will or not.

**Article 196.** (Kausler, cciv). Regarding the time in which a person should grant freedom to his slave, and the manner in which the person may grant this stated freedom to his male or female slave.

**Article 197.** (Kausler, ccv). Regarding one who has given his slave to another as a security, who wishes to grant him freedom, and whether he can free him so long as he is held as a security, or not.

**Article 198.** (Kausler, ccvi). Regarding a slave who has done some harm to a person who is free, and who allows himself to be sold.<sup>64</sup>

61. Kausler, I, 22, cxcv *add.* 'and then he does take another wife'.

62. Kausler, I, 22, cxcix *add.* 'and not others'.

63. Kausler, I, 23, cci *add.* 'whether to the person who had him converted to Christianity or to the ruler'.

64. Kausler, I, 24, ccvi has 'Here you will hear the law regarding one who is free, and who allows himself to be sold as a Muslim (i.e. a slave) of his own volition, and what should lawfully be done'.

**Article 199.** (Kausler, ccvii). Regarding one who is holding a stolen captive slave in his home after the order for his return has been proclaimed with the consent of the court.

**Article 200.** (Kausler, ccviii). Regarding a slave who has done harm to someone while still a slave, and who has subsequently been granted freedom,<sup>65</sup> and what should be done in this regard.

**Article 201.** (Kausler, ccix). Regarding a slave who wounds or beats a Christian, rightly or wrongly, and what should happen to the slave who has done this.

**Article 202.** (Kausler, ccx). Regarding gifts, when they should be recorded in writing, and when they can be given without a written record.<sup>66</sup>

**Article 203.** (Kausler, ccxi). Regarding gifts, what gift can be given and what gift cannot be given, and whether the donor can take it back once the person to whom it has been given has it and has taken possession of it.

**Article 204.** (Kausler, ccxii). Regarding one who gives something to another person, and whether the recipient can give it to a third party who takes it on his behalf, or [as security] for a debt owed to him.

**Article 205.** (Kausler, ccxiii). Regarding one who undertakes to perform some task for another man, and what the person giving such an undertaking is obliged to do.

**Article 206.** (Kausler, ccxiv). Regarding the *baillis* and the *seneschals* [with respect to] their masters, what obligations they have towards their masters, and what obligations their masters have towards them.

**Article 207.** (Kausler, ccxv). Regarding loans taken out by sons, and whether the fathers are obliged to repay them, likewise if they lose anything.

**Article 208.** Regarding one who is obliged [to repay] another within a predetermined period of time, who gives him securities which then depreciate in value, and who is liable for this depreciation.<sup>67</sup>

**Article 209.** (Kausler, ccxvii). Regarding a promiscuous woman, and whether that which is given to her can then be returned or not, as well as what is given to another person out of fear, because he caught them doing wrong, whether the donor can take back what he has given on account of his fear.

**Article 210.** (Kausler, ccxviii). Regarding one who issues a court summons against someone who is in possession of an inheritance, which he asserts should belong to him.<sup>68</sup>

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65. Kausler, I, 24, ccviii has 'and whether he is then obliged to make amends by law or not'.

66. Kausler, I, 24, ccx has 'It is right that you hear the law on gifts which one person makes to another, which gift is valid and which gift is not valid by law'.

67. Kausler, I, 25, ccxvi *add.* 'the person receiving them, or the person who owes something'.

68. Kausler, I, 25, ccxviii *add.* 'and what he is obliged to prove'.

**Article 211.** (Kausler, ccxix). Regarding one who is not entitled to issue a summons over his wife's rights without her, and when the court is obliged to grant possession of something held by another to the person claiming it.<sup>69</sup>

**Article 212.** (Kausler, ccxx). Regarding one who asks the widow of a dead man for that which her deceased husband owed him, what should be lawfully done as regards such a claim.

**Article 213.** (Kausler, ccxxi). Regarding where claims for houses, fields or vineyards should be submitted, whether it should be in the town where these things are located, or in another place, and what obligations the court must fulfil if these things are not in the town where [the claimant] keeps<sup>70</sup> the things he is claiming, maintaining that he has inherited them.

**Article 214.** (Kausler, ccxxii). Regarding two brothers or two sisters who have not apportioned among themselves what they have gained or acquired together, so that one is wealthier than the other without their father or mother having given them this by apportionment.<sup>71</sup>

**Article 215.** (Kausler, ccxxiii). Regarding one who has given his house, or fields or vineyards, as a security, in cases where he or she holding this security asserts **that they are his (or hers)**,<sup>72</sup> and what should be lawfully done with regards to these fields.<sup>73</sup>

**Article 216.** (Kausler, ccxxiv). Regarding what legal measures should be taken as regards a person claiming that which is not owed to him, or more than what is due to him.

**Article 217.** (Kausler, ccxxv). Regarding lost articles, and what should be lawfully done, as well as regarding slaves who have escaped outside the kingdom.

**Article 218.** (Kausler, ccxxvi). Regarding one who has lost his beast, or some other article, and then finds what he has lost upon another person, and what should be lawfully done.

**Article 219.** (Kausler, ccxxvii). Regarding some goods<sup>74</sup> stolen and transported to the land of the Muslims, and which is then brought back to the land of the Christians, and what should be done.<sup>75</sup>

**Article 220.** (Kausler, ccxxviii). Regarding one who has named the day on which he has lost something belonging to him, and what should be lawfully done with regard to him.

69. Kausler, I, 25, ccxix *add.* 'by an inheritance which has come down to him'.

70. Kausler, I, 25, ccxxi has 'is accustomed to keep'.

71. Kausler, I, 25, ccxxii *add.* 'and what obligations one brother has by law towards the other'.

72. The Greek text omits the words in bold, for which see Kausler, I, 26, ccxxiii.

73. Kausler, I, 26, ccxxiii has 'tort' meaning an injustice, instead of 'fields'.

74. Kausler, I, 26, ccxxvii has 'a beast or some goods'.

75. Kausler, I, 26, ccxxvii *add.* 'afterwards to the man or woman who stole these goods, or had them dragged or carried off by force or by some other manner'.



**Article 221.** (Kausler, ccxxix). Regarding one who is in possession of something not his, which he gives as a security, or attempts to have it alienated by some other manner in order not to be put on trial for holding it.<sup>76</sup>

**Article 222.** (Kausler, ccxxx). Regarding the arbitrators nominated by those who have some dispute among themselves, and who appoint them to act on their behalf, the so-called arbitrators.<sup>77</sup>

**Article 223.** (Kausler, ccxxxix). Regarding one who has wounded his slave, where a doctor who had seen the slave agreed to cure him but instead caused his death through incompetent surgery, and how the doctor should offer him compensation.<sup>78</sup>

**Article 224.** (Kausler, ccxxxii). Regarding a knight or a burgess who sends his animal to a farrier to have it shod, or cured, and it is maimed or killed instead, and how the farrier must pay for this.

**Article 225.** (Kausler, ccxxxiii). Regarding a doctor who arrives in order to cure someone's slave, but by administering bad herbal remedies causes his death, and how he should pay for this.<sup>79</sup>

**Article 226.** (Kausler, ccxxxiv). Regarding the twelve reasons for which a father or mother can disinherit their children [and deprive them] of their belongings.<sup>80</sup>

**Article 227.** (Kausler, ccxxxv). The number of reasons for which the children can disinherit their parents of their belongings. [They can disinherit] their father or mother for seven reasons.<sup>81</sup>

**Article 228.** (Kausler, ccxxxix). Regarding thieves who commit theft.<sup>82</sup>

**Article 229.** (Kausler, ccxl). Regarding a person who apprehends a thief while stealing in his house, and how he should have him presented in court.<sup>83</sup>

76. Kausler I, 26, ccxxix has 'Here you shall hear the law regarding one who wrongfully holds something and who, on account of realising this, either gives it as a security to another, or covertly sells it, or gives it as a wedding gift to one of his children or his relatives, in order to be rid of this ill-gotten thing'.

77. Kausler, I, 26, ccxxx has 'Here you shall hear the law with regard to a claim which is placed in the power of two, or three, or even more persons, what the person who does not heed their judgement must lose'.

78. Kausler, I, 27, ccxxxix has 'Here you shall hear the law regarding all doctors, commonly regarding wounds, who treat or lance an injury in other than the proper manner, on account of which the injured person dies, and what law should be applied to this doctor'.

79. Kausler, I, 27, ccxxxiv has 'Here you shall hear the law and the rights regarding doctors and physicians who prescribe for some sickness some syrup or medicine or laxative whereby the patient dies on account of their bad care'.

80. Kausler, I, 27, ccxxxiv *add.* 'by right and by justice, by the assizes of Jerusalem and by the law itself'.

81. Kausler, I, 27, ccxxxv *om.* the last sentence.

82. Kausler, I, 28, ccxxxix has 'It is now right for you to hear the laws established regarding stolen goods, since you have heard the other judgements over other misdeeds'.

83. Kausler, I, 28, ccxl has 'Here you shall hear what must be done with the thief caught in the act of stealing something, and what the man or woman who caught the thief must do'.

**Article 230.** (Kausler, ccxli). Regarding that thief who came out of another's house when the occupant sensed his presence and cried out after him, and how he is guilty.<sup>84</sup>

**Article 231.** (Kausler, ccxlii). Regarding a thief apprehended in the house of another person with goods on him.<sup>85</sup>

**Article 232.** (Kausler, ccxliii). Regarding a Muslim thief who is sensed in some house, who has some article taken from him, and to whom it should belong.<sup>86</sup>

**Article 233.** (Kausler, ccxliv). Regarding a stolen article which has been found on some person, who does not, moreover, know who took it.<sup>87</sup>

**Article 234.** (Kausler, ccxlv). Regarding one who appears before the court and wishes to disprove himself as faithless by putting himself forward for personal combat.<sup>88</sup>

**Articles 235 -244.**<sup>89</sup>

**Article 245.** (Kausler, cclvi). That no one should be so bold as to commit a base deed at another's expense, nor a disturbance, nor a quarrel.<sup>90</sup>

**Article 246.** (Kausler, cclvii). Regarding one who summons another **in accordance with the assizes of King Baldwin**<sup>91</sup> for having assaulted him, and shows that he tore his clothes, or pulled at his beard, or else the blood on his teeth.<sup>92</sup>

**Article 247.** (Kausler, cclviii). Regarding one who springs upon another person with the intention of killing him, but the other person defends himself so well that he kills his assailant, or else beats him soundly, or inflicts a mortal wound upon him.<sup>93</sup>

**Article 248.** (Kausler, cclix). Regarding a person who springs upon another man or upon a woman, and who is seen by two liege-men, who seize him as they are obliged to do and bring him to court.<sup>94</sup>

84. Kausler, I, 28, ccxli has 'Here you shall hear what must be done with the thief caught by the shouts of the person crying out after him, while he was fleeing and was caught by those cries made after him'.

85. Kausler, I, 28, ccxlii. 'Here you shall hear the law concerning to whom whatever is found on the thief should belong, to his captor or to the court'.

86. Kausler, I, 29, ccxliii has 'Here you shall hear the law regarding a Muslim thief who is caught in some house or some garden'.

87. Kausler, I, 29, ccxliv *om.* 'who does not ... took it'.

88. Kausler I, 29, ccxlv has 'Here you will learn the law on one accused of treason or murder and who offers no defence, that is to say does not deny the accusations'.

89. Due to a manuscript folio having been torn out, the title headings to the articles numbered 235-244 are missing. See Sathas, *Μεσαιωνική Βιβλιοθήκη*, VI, 268, note 1.

90. Kausler, I, 30, cclvi has 'Here you shall hear the law on assaults and on blows which one man deals another, what judgements have been established over these deeds'.

91. Kausler, I, 30, cclvii *om.* the words in bold.

92. Kausler, I, 30, cclvii *add.* 'and what law should be applied over this charge'.

93. Kausler, I, 31, clviii *add.* 'and what law should be applied to him'.

94. Kausler, I, 31, cclix has 'Here you shall hear the law on the testimony of two liege-men who apprehend one man upon another, committing murder, and what law must be applied to the person doing this'.

**Article 249.** (Kausler, cclx). Regarding one who has had many injuries inflicted upon him, and how he can summon to court as many people as he has wounds.

**Article 250.** (Kausler, cclxi). How neither the *bailli*, nor the assessors should force a person to undergo a judicial ordeal, should that person not request one of his own accord.<sup>95</sup>

**Article 251.** (Kausler, cclxii). Regarding a person who insults the court, and declares its judgements to be unjust and false.<sup>96</sup>

**Article 252.** (Kausler, cclxiii). Regarding a man who beats another man, and is proved guilty through reliable testimony.<sup>97</sup>

**Article 253.** (Kausler, cclxiv). Regarding a burgess or some other free person who beats another's slave, and the slave's master brings charges in court.<sup>98</sup>

**Article 254.** (Kausler, cclxv). Regarding a man or a woman who have a minor summoned to court.

**Article 255.** (Kausler, cclxvi). How the king is obliged to pay for the upkeep, that is to say the needs of his champions, as they are called, who are summoned to fight a judicial duel over charges of murder.

**Article 256.** (Kausler, cclxvii). Regarding a man or a woman who has been murdered and who has no relative or acquaintance to avenge her, how the ruler of the country is obliged to avenge her death, by what is laid down and by the assizes.<sup>99</sup>

**Article 257.** (Kausler, cclxviii). Regarding the oath that the champion is obliged to take before the viscount of the court.<sup>100</sup>

**Article 258.** (Kausler, cclxix). On how neither a Syrian, nor a Greek, nor a Muslim can become a champion against a Latin Christian.

**Article 259.** (Kausler, cclxx-cclxxi). Regarding sodomites and all manner of evil men and women, and how they should be put to death in a nasty manner.

**Article 260.** (Kausler, cclxxii). Regarding a wounded<sup>101</sup> man who appears before the court accusing another of doing this, but the other man denies this, taking an oath in the presence of the court.<sup>102</sup>

95. Kausler, I, 31, cclxi has 'Here the law on judicial ordeals is stated, and concerning whom the court by law must not compel to undergo a judicial ordeal'.

96. Kausler, I, 31, cclxii *add.* 'and what sum he is obliged by law to hand over to justice'.

97. Kausler, I, 31, cclxiii has 'Here you shall hear the law regarding one who has been beaten, and what should be given to justice or to the man or woman who has been beaten by the man or woman who beat them, or who had them beaten by persons other than themselves'.

98. Kausler, I, 31, cclxiv has 'Here you shall hear the law regarding a free person who beats the male or female slave of another, what law must be applied'.

99. Kausler, I, 32, cclxvi has '... and who is then obliged to avenge his death'.

100. Kausler, I, 32, cclxviii has 'Here you shall hear the law regarding the two champions and what they must do after they have entered the field, before they are allowed to come together for combat'.

101. Kausler, I, 33, cclxxii has 'mortally wounded'.

102. Kausler, I, 33, cclxxii *add.* 'It then comes to pass that the plaintiff died of these wounds, what law should then be applied'.

**Article 261.** (Kausler, cclxxiii). Regarding a man who has been beaten and who summons another man to court,<sup>103</sup> and the latter asks for a day on which to defend himself. The beaten man appears on that day, remaining until the stars are up in the sky, but the other man does not appear, nor does he alter his day, and the beaten man [subsequently] dies.

**Article 262.** (Kausler, cclxxiv). This is with regard to a wounded man making his peace with the man convicted of wounding him, and who subsequently dies, while the person who had wounded him produces two witnesses to the fact that they had made their peace.<sup>104</sup>

**Article 263.** (Kausler, cclxxv). Regarding a assessor who is summoned to give counsel and restore order, and this is in the twelve chapters.<sup>105</sup>

**Article 264.** (Kausler, cclxxvi). Regarding one who has found buried treasure under the ground while he was digging on the property of someone else,<sup>106</sup> and what should be done.

**Article 265.** (Kausler, cclxxvii). Regarding a man or woman who starts a fire in town, and damages are caused.<sup>107</sup>

**Article 266.** (Kausler, cclxxviii). Regarding a man or a woman who bury a corpse in their house.<sup>108</sup>

**Article 267.** (Kausler, cclxxix). Regarding those people who bring a dead person into the presence of the court, as well as another who is alive and bound.<sup>109</sup>

**Article 268.** (Kausler, cclxxx). Similar to the above, and regarding the same issue.<sup>110</sup>

**Article 269.** (Kausler, cclxxxi). Regarding a man who finds another man in bed with his wife, next to her, and who kills them both simultaneously.

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103. From this point onwards Kausler, I, 33, cclxxiii has 'and he receives a day [in court] for himself and his assailant, subsequently neither the one nor the other appear on their day, and what he who failed to appear on the day appointed to him should pay the court'.

104. Kausler, I, 33, cclxxiv has 'Here you shall hear the law regarding one who has been wounded and who is reconciled through payment of money with the person wounding him, and who subsequently died of this wound, what law should be applied to the person wounding him and who was reconciled with him before he died'.

105. Kausler, I, 33, cclxxv has 'Here you shall hear the law regarding that assessor who does not wish to give counsel to those men and women to whom he is obliged to give counsel by law, even against his own father or mother or against all other people likewise'.

106. Kausler, I, 33, cclxxvi *add.* 'who has died', and from this point onwards reads 'and to whom this treasure should belong, whether to the ruler of the country or to the person who found the treasure'.

107. Kausler, I, 33, cclxxvii *add.* 'what punishment he should suffer if he committed this misdeed'.

108. Kausler, I, 34, cclxxviii *add.* 'what law should be applied to the man or woman doing this'.

109. Kausler, I, 34, cclxxix *add.* 'what law must be applied here'.

110. Kausler, I, 34, cclxxx has 'Here you shall hear what happens if an issue is brought to the court over the fact that many persons found a man dead in the street, what law is applicable'.

**Article 270.** (Kausler, cclxxxii). Regarding a man or a woman who have another man summoned to court on charges of unnatural intercourse.<sup>111</sup>

**Article 271.** (Kausler, cclxxxiii). Regarding a clerk who draws up a false document<sup>112</sup> in return for something to be given to him, and what punishment he should undergo.

**Article 272.** (Kausler, cclxxxiv). Regarding Muslim and Latin clerks who are in the employment of their lord, and who filch from him something from among the incomes of the market, or of the customs house, that is the one by the sea.<sup>113</sup>

**Article 273.** (Kausler, cclxxxv). Regarding the goldsmiths who engrave false royal seals or false coins, in return for something that has been given to them.<sup>114</sup>

**Article 274.** (Kausler, cclxxxvi). Regarding one who brings a summons to court and loses his summons, or his case.<sup>115</sup>

**Article 275.** (Kausler, cclxxxvii). Regarding one who has another summoned to court and produces his testimonies, which the other party denies.<sup>116</sup>

**Article 276.** (Kausler, cclxxxviii). Regarding one who has summoned to judgement another person who has beaten him, producing two witnesses.<sup>117</sup>

**Article 277.** (Kausler, cclxxxix). Regarding one who beats a Latin Christian, that is to say a free man, or a free woman, or a female Latin Christian.

**Article 278.** (Kausler, ccxc). Regarding one who has a woman summoned to court for having beaten him.

**Article 279.** (Kausler, ccxci). Regarding the first theft committed by a thief.

**Article 280.** (Kausler, ccxcii). Regarding a thief who has been found branded.

**Article 281.** (Kausler, ccxciii). Regarding one who violates the ruler's edict.

**Article 282.** (Kausler, ccxciv). Regarding those who are caught giving false measures, or sub-standard weights.

111. Kausler, I, 34, cclxxxii has 'Here you shall hear the law regarding a woman who accuses a man of having gone to bed with her in other than the lawful manner, and in which court this accusation must be tried'.

112. Kausler, I, 34, cclxxxiii from this point onwards has 'or draws up a notarial deed, and is caught by recognition of the very same letter'.

113. Kausler, I, 34, cclxxxiv has 'Here you shall hear the law and the justice to be applied to Muslim scribes at the market or customs house or elsewhere, and who defraud their ruler of his rights and lawful dues'.

114. Kausler, I, 34, cclxxxv *add.* the words in bold.

115. Kausler, I, 35, cclxxvi has 'Here you shall hear, having heard the law and the rights of all the other judgements, how it is right for you to know the dues which the lord should take throughout his domain from those committing misdeeds'.

116. Kausler, I, 35, cclxxxvii has 'Here it states what a person who wins his case through his witnesses should pay'.

117. Kausler, I, 35, cclxxxviii has 'Here you shall hear the dues which a person should receive from one who has beaten another (i.e. the plaintiff)'.

**Article 283.** (Kausler, ccxcv). Regarding one who sells his house to another.<sup>118</sup>

**Article 284.** (Kausler, ccxcvi). How [the fine of] 7.5 *sous* should not be taken from one who has not swept the area in front of the door of his house.

**Article 285.** (Kausler, ccxcvii). Regarding one who resides in the house of another, and the householder loses some article from his house.<sup>119</sup>

**Article 286.** (Kausler, ccxxxvi). What kind of person should be appointed *bailli* in the market place in order to uphold the law among all men, great as much as small, Syrian as much as Muslim, and Hagarene as much as Christian.

**Article 287.** (Kausler, ccxxxvi). Regarding the assessors who should be present in the market.

**Article 288.** (Kausler, ccxxxvi). How the *bailli* of the marketplace cannot nominate those working there as witnesses.

**Article 289.** (Kausler, ccxxxvi). Regarding a Greek who has a Jew summoned to court.

**Article 290.** (Kausler, ccxxxvi). How it is necessary for all peoples to have witnesses of the same confession as the persons against whom they are bringing summonses.

**Article 291.** (Kausler, ccxxxvi). Regarding the [respective] oaths required of the many kinds and races of people.

**Article 292.** (Kausler, ccxxxvi). Regarding the locality in which testimonies must be sworn.

**Article 293.** (Kausler, ccxxxvi). How the testimony of the marketplace is not subject to judicial duel.

**Article 294.** (Kausler, ccxxxvi). Regarding the market-taxes.

**Article 295.** (Kausler, ccxxxvii). Regarding the duties payable on articles brought over by sea.

**Article 296.** (Kausler, ccxxxvii). Regarding those articles brought over by sea which are not sold, and which those who brought them do not wish to take away.

**Article 297.** (Kausler, ccxxxvii). Regarding various articles exported to Muslim countries.

**Article 298.** (Kausler, ccxxxviii). Regarding the lawful state of affairs prevailing at Acre, by mutual consent of all the various races of men, with the exception of the Latins, who intend to settle in Acre.

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118. Kausler, I, 35, ccxcv *add.* 'what he must give to the court'.

119. Kausler, I, 35, ccxcvii has 'Here the law is stated regarding the oath of miscreants, where the court should take nothing'.



**The Beginning of the Book of Constitutions,  
that is the Assizes**

**Article 1 (Kausler, i).<sup>120</sup> Regarding justice and the passing of judgement.** At the beginning of the present book we should declare and seek judgement from the outset, or dispense justice to every person, for so it is written,<sup>121</sup> that 'one should be constant in faith and in justice, for such a one will live and will not perish for all time'. For thus it is written in the law.<sup>122</sup> 'A just man will live by the Faith',<sup>123</sup> and likewise justice should also be eternal. For David says 'The justice of the Lord endures through the ages of ages'.<sup>124</sup> And so it is right that we should have in mind faith and justice before all else, for through faith and justice we can administer to each man and to each woman their due.

**Article 2 (Kausler, ii). What kind of person a ruler should be, and what [qualities] he should have within himself in order to do what is right and to implement the law among all people.**

If one should wish to seek after and another should wish to render justice upon all issues, he should<sup>125</sup> fear and love God, for none can fear God nor love him without having the faith within his own self. Therefore he having such [faith] will have<sup>126</sup> truth and judgement within himself, for so say the Scriptures,<sup>127</sup> 'All the works of a man of faith are good'.<sup>128</sup> Therefore if one wishes to render justice to another he should have the fear of God and the love of God<sup>129</sup> within himself, for then he will be able to seek the truth and render justice to another. He should, moreover, be just to a great decree, and he who would judge another's transgression should be well schooled to a great degree, for he takes upon himself a great matter and a great burden, whoever undertakes to dispense justice and to establish the cause and issue of every man and of every woman, and to apply the law towards all who come before him. For he has to be mindful of the [way of] life and the custom of each man and

120. Codex Two of the Greek text has no preamble, for which see Kausler I, i, 43.

121. Kausler I, 43-44, i *add.* 'in Latin justice'.

122. Kausler I, 44, i has 'for so say the Scriptures in the law'.

123. Habbakuk 11, 24; Romans 1. 17.

124. Psalms 110. 3; Psalms 111. 3 and 9.

125. Kausler I, 44, ii *add.* 'above all'.

126. The Greek text omits the words 'will have'.

127. Kausler I, 44, ii *add.* 'in the law'.

128. Romans 8. 17.

129. Kausler I, 45, ii *add.* 'for evermore'.

woman. Therefore out of all these things he must uplift and put much to rights, always doing what is good. Afterwards, moreover, he should know that he will be judged in the same manner as he judges others, for so say the Gospels, 'As you judge transgressions, so will you be judged'.<sup>130</sup>

**Article 3 (Kausler, iii).** This article speaks about the *bailli* of the town, who is appointed to his place to satisfy all those men and women bringing claims before him, and how he should uphold [justice] in the service of God and of the king, or of the ruler.<sup>131</sup>

The *bailli* of the town, on whom is assigned the task of supervising and watching over the people, should above all have within himself faith,<sup>132</sup> justice and righteousness, and he should uphold the laws and have them upheld for all those men and those women<sup>133</sup> who come before him seeking justice.<sup>134</sup> Likewise it is fitting for the ruler, even if the town should be his, to live in a just and law-abiding manner for all his days. For as Anthony and Romanus who were the kings of Rome declared, 'Even though we are absolved from heeding the law nonetheless we should always abide by the law'.<sup>135</sup> And this is how the *bailli* of the town should act for his honour and for the salvation of his soul, by doing good to all those who are under his authority so that praise for him and his good conduct may become an example for all.

**Article 4 (Kausler, iv).** Here it is stated what kind of man should be appointed viscount,<sup>136</sup> and on the advice of whom, how he should apply the law and how he should command the court to give judgement, that is to say the verdict.<sup>137</sup>

The lord<sup>138</sup> on the advice of the good men of his country should appoint as *bailli* of his city<sup>139</sup> such a person as will love God and who places faith and trust in him, and who will apply justice and the law to all who come before him to submit claims. The viscount, moreover, must act [in this manner] once he has taken his seat in court, for he must hear the charges of the plaintiff and the reply of the defendant with benign countenance and with great goodwill. Then the viscount must appoint the assessors for the passing of judgement over the plaintiff and the defendant who have been heard, and when judgement has been passed the viscount should award to whomso-

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130. Matthew 7. 1-2.

131. Kausler, I, 45, iii *om.* 'of God and' and 'or of the ruler'.

132. Kausler, I, 45, iii *om.* 'faith'.

133. The Greek text wrongly has 'ἐκείνους και ἐκεῖνον και ἐκεῖνον' instead of 'those women'. See Kausler, I, 45-46, iii.

134. Kausler, I, 46, iii *om.* 'seeking justice'.

135. *Institutes*, II, 17 line 8 (Cited: Kausler, I, 46, iii note 1).

136. Kausler, I, 46, iv has '... should be made *bailli*, that is viscount'. The two terms were interchangeable.

137. Kausler, I, 46, iv *om.* 'that is to say the verdict'.

138. Kausler, I, 46, iv *add.* 'of the city'.

139. Kausler, I, 46, iv has 'of his court'.

ever has won the claim his lawful due. Then the viscount should receive what is lawfully due to the ruler from the person liable to pay according to the judgement.<sup>140</sup>

**Article 5 (Kausler, v).** Here it is stated what the *bailli* should do and what the value of his assistance is, as well as what he should forfeit if he does something he should not do.

A *bailli* neither can nor should uphold a person in court, nor should he relinquish any dues and justice on account of bearing ill will towards any man or woman in the world, nor on account of having been promised something by someone, nor should he punish anyone to an excessive degree. Should he have done this and been apprehended, either because someone saw him, or through it coming to the assessors' knowledge, he should be dishonoured according to his transgression, and should be expelled from the city<sup>141</sup> and exiled from the kingdom. Everything that he has, moreover, should be given over to the ruler of the country by law.

**Article 6 (Kausler vi).** How the viscount should put an end to bad practices and uplift good ones according to his faith, and how the assessors should not allow him to do wrong.<sup>142</sup>

A *bailli* should not introduce bad practices into the country, and should he do so the sworn men, that is the assessors, must not tolerate him, but must report him to the ruler. The ruler, moreover, is obliged to relieve him of his *baillage*. Furthermore, should he not be a liege-man, he should banish him and have him taken outside the city within eight days. For the viscount (or *bailli*) is obliged according to his oath to uphold and maintain good practices and to exterminate and stamp out bad practices, for the love of God, the good of the country and the salvation of his soul.

**Article 7 (Kausler, vii).** Here it is stated what kind of people should sworn, and who are called assessors, and why they are established as such.

The assessors must be fair-minded persons, must love God, must uphold the law, and must act towards all people without deceit. As the law says they must be lovers of the truth. For everything weighs down upon the soul of the person for all things over which he passes judgement should he not speak the truth. They should, moreover, give the best possible advice known to them to all those men and those women<sup>143</sup> soliciting advice from them.

140. In Kausler, I, 46, iv the words viscount and *bailli* are used interchangeably, but on Cyprus the court of the burgesses in Nicosia was always presided over by the viscount of Nicosia, while *baillis* officiated in the other towns.

141. Kausler, I, 47, v has 'from the office of *bailli*'.

142. Kausler, I, 48, vi *om.* 'and how ... to do wrong'.

143. The Greek text omits 'women'. See Kausler, I, 49, vii.

**Article 8 (Kausler, viii).** Here it is stated what assessors are entitled to do, what they are not entitled to do, and how should they do it, they should be removed from association with the other assessors, and how they should not tread any but a straight path.<sup>144</sup>

Assessors should not be counsellors, that is to say lawyers, or advocates as they are called in French, and judges simultaneously. Any one doing this, moreover, should be removed from association with the other assessors, and they have lost the right to an audience in court, for the law decrees this and prohibits any among them from being a counsellor and a lawyer.<sup>145</sup>

**Article 9 (Kausler, ix).** Here the law is stated regarding the assessors and what they should do once they have taken their seats in court, and how they should not tread any path other than the path of virtue.

The assessors of the court once in court must hear and listen to the charges and the replies to them, and understand them well. Over whatever they have heard and gained knowledge of they must pass a lawful judgement according to their perception, without ceasing [to promote justice]. For the law states that judges should be such persons as tread the straight path of truth and justice, and should turn neither right nor left, but should likewise judge great and small, poor and rich. And all those acting in such a manner are friends of God, for they dispense acceptable and proper justice, as is ordained in the law and compilation which was drawn up by the lords and is called the assizes.<sup>146</sup>

**Article 10 (Kausler, x).** This law states that the assessors do not have the authority to advise anyone, nor listen to anything, once they have taken their seat in court, nor can they uncover the secrets of the court.<sup>147</sup>

The assessors neither can nor should offer support or advice to any man or woman, once they are seated in court, nor should they reveal the secrets of the court to any person in the world.<sup>148</sup> Should any of them do this he should be deprived of the honour that he has and should be banished from the city for a year and a day.

**Article 11 (Kausler, xi).** Here you will hear what powers the assessors have, and what they can do prior to<sup>149</sup> judgement among parties who are not reconciled over some matter.

The assessors, if they so wish, enjoy such powers as enable them to reconcile their fellow-men who are not reconciled, or other people before they are summoned, and

144. Kausler, I, 49, viii *om.* 'and how ... a straight path'.

145. The final sentence in Kausler, I, 49, viii states 'For in one and the same case no one should be both advocate and judge'.

146. Kausler, I, 50, ix *om.* 'compilation ... is called'.

147. Kausler, I, 50, x *om.* 'nor can ... the secrets of the court'.

148. Kausler, I, 50, x *add.* 'not even their father'.

149. The Greek text wrongly has 'περι' meaning as regards. See Kausler, I, 51, xi.

they should seek to prevent such an evil if they consider it within their authority. They should, moreover, be counsellors in common, and should always have regard to saving the rights of their ruler to the best of their knowledge. The assessors are even well able to reconcile two men before the impending judgement of the court. If, however, judgement has been passed, the assessors cannot reconcile them, for they are well aware which of the two, the claimant or the defendant, has won the case. The judge, moreover, should know well that the plaintiff is called the *actor*, and the defendant *reus*.<sup>150</sup>

**Article 12 (Kausler, xii).** Here you will hear what should be done to those assessors who have been appointed to apply the law and for giving advice to widows and orphans, and to all who solicit their advice, when they are unwilling to offer such advice when asked to do so in court.

Should it come about that an orphan, boy or girl, or a child who is a minor, or a widow summons by name or has summoned two assessors of the court in order to give counsel, the law decrees that they are obliged to give such counsel, the best to their knowledge, in good faith. Should it happen moreover that one of these assessors, summoned by name to give advice to somebody, that is someone included among the people mentioned above, declares in the hearing of all the other assessors that he will not go to offer counsel to the person summoning him, the law decrees that this assessor should first be banished from association with the other assessors, and should lose the right of speaking in the council-chamber, that is to say the court, for the remainder of his days. Nor should his summonses be heeded, nor his testimony be given credence, and he is sentenced to pay such a fine to his ruler as a faithless or lawless man would have to pay. For it is a thing well attested that he is burdened with an unlawful act, since he was obliged to offer advice.<sup>151</sup> Furthermore, know well that there is not one among the twelve assessors who is not obliged to give [advice] upon his faith to any person who might summon them, even if it should be against his own father and mother. This moreover is right and lawful, and this is why they are appointed to apply the law and to offer legal advice to all those who might summon them.

**Article 13 (Kausler, xiii).**<sup>152</sup> This article concerns the sacred canons. Here is explained the law regarding the rights of the churches, and how no lay person should have nor hold in his power, by what is right, nor by the assizes [any possessions], according to the rights of the abovementioned holy churches.<sup>153</sup>

In accordance with the holy canons, with great deliberation and with great honesty, as well as by good practices, it has been promulgated and likewise expounded that

150. The Greek text omits the final sentence. See Kausler, I, 51, xi.

151. Kausler, I, 52, xii has 'since he has refused counsel and to tell the truth to the man or woman to whom he was obliged to offer counsel'.

152. This article has been translated from a Latin text. See Kausler, I, 52-53, xiii.

153. Kausler, I, 52, xiii *om.* 'according to ... the holy churches'.

the holy churches from which we receive the sacraments of the faith and the labours of the churches<sup>154</sup> should be honoured with many books and privileges, and should enjoy many gains, the so-called advantages. Nor should the good benefices of the church be in any manner debased or sequestered, for what is explained in writing is handled in accordance with the above laws.<sup>155</sup>

**Article 14 (Kausler, I, xiv). It is declared here that the secular court and the assessors are obliged [to come to] the assistance of the holy church as regards every summons it might have, in concluding it and in judging it.**

A law has been promulgated in accordance with the virtuous and sacred rulings and in line with good practice that the holy churches, from which all Christians partake of the sacraments of the faith, should be well kept and maintained with all their privileges upheld, so that they and their rights and rents might not be deficient in any manner. For the metropolitans, the bishops, the archdeacons, the treasurers and the deacons working for the holy church obtain a living from these things. Therefore they should have a right to all those things pertaining to the holy church on account of their great goodness, great reverence and great clemency. Furthermore, should any claim be brought against them, it should be brought to a conclusion in the presence of the prelates of the holy church of God, and neither the *bailli* nor the assessors<sup>156</sup> should inconvenience them or deprive them of anything, but should assist them with their advice and in bringing their cases to a conclusion, should the latter have need of them.

If the accusation brought is common to both courts, pertaining to both the secular and the spiritual spheres, as when a cleric commits a transgression on account of which he should be judged in the secular court, or should it be the case that a lay person commits a transgression<sup>157</sup> or some other deed like those mentioned above, the law and the assizes decree that the church must not be divested of its rights, which is to say that this accusation can never be resolved in a secular court without permission for this being given by the prelates of the holy church of their own free will. It is, however, lawful for the *bailli* and the assessors to go to the holy church, and there the accusations regarding such transgressions should be judged by them and by the prelates, according to what is seen and heard. For this is what is lawful, for the Lord God decreed<sup>158</sup> 'Render unto Caesar what is Caesar's and to God what is God's'. It is then right and proper for what pertains to the holy church to be given to the holy church, and for what pertains to the secular court to be given to the secular court, for this is what is right according to the law and according to the assizes.

154. Kausler, I, 52, xiii *om.* 'and the labours...advantages'.

155. Kausler, I, 53, xiii *om.* 'or sequestered ... above laws'.

156. Kausler, I, 54, xiv *add.* 'of the court'.

157. Kausler, I, xiv, 54 *add.* 'against the holy church'.

158. Kausler, I, 54, xiv *add.* 'to the Jews and commanded'.



**Article 15 (Kausler, xv).** Here is first explained the law regarding trials, what kind of person can summon another to court, and what kind cannot do so. It is expounded in Latin as happens in the civil courts, and is explained in the manner expressed below.<sup>159</sup>

A dependent son who is under the authority of his father, according to the law and according to the assizes, cannot issue a public summons against his father or against anyone else if he has not attained his majority. For no summons can lawfully take place between two people once one of them is still under his father's authority. Once, however, the dependent son has attained his majority, that is to say he has become fifteen years of age, he is well able to have any person summoned to court and seek everything which is his due, and well as having to give every man and every woman who might summon him their due. For this is what is lawful according to the law and according to the assizes.

**Article 16 (Kausler, xvi).** Here is explained what punishment should be administered to a [former] slave who has his master summoned to court.

Likewise a former slave, that is to say a Muslim slave who has been christened [and freed] neither can nor should have his master summoned to court over the issues mentioned above with regard to a dependent son under his father's authority. Should it happen, moreover, that the former slave has issued a summons against his master, or against the master's wife or children, the court should not grant him a hearing, but should have him confined in the manner of one sentenced to pay the court 50 *sous*<sup>160</sup> at the place where he issued his summons. Furthermore, should he not have this much money, his tongue should be cut out. This summons is called a crime, that is to say a transgression, because he is summoning his master or the master's children, and it must take place in the presence of the court, for this is in accordance with the law and the assizes.

**Article 17 (Kausler, xvii).** Here is explained what kind of person can bring claims on behalf of another.<sup>161</sup>

There are many people unable to bring claims on another's behalf, such as dependent sons who are under-age and the deaf<sup>162</sup> Such persons cannot have summonses issued in court, neither for themselves nor on behalf of others, according to the law and according to the assizes.

**Article 18 (Kausler, xviii).** Regarding those who can bring claims in the public court on their own account, but not on behalf of others.

Other persons are those who cannot bring claims in the public court. Nor should the public court grant them a hearing [if they do so], for other people, but only for them-

159. Kausler, I, 55, xv *om.* the final sentence.

160. Kausler, I, 56, xvi has bezants.

161. Kausler, I, 56, xvii *add.* 'and what kind cannot do so'.

162. Kausler, I, 56, xvii *add.* 'and the deaf'.

selves. Such persons are those who have lost their sight, and married woman unaccompanied by their husbands, for this is what the law decrees.<sup>163</sup> A woman, however, is well able to bring charges on behalf of her father, should it be the case that he is ill, according to the law and according to the assizes.

**Article 19 (Kausler, xix). Regarding those who are entitled to bring claims in court for themselves and for their children.**

Likewise there are such persons as cannot bring charges other than for themselves and for certain other persons. Among them are those involved in theft, or robbery, or those who give away something in their possession in order not to be summoned to court over their misdeeds, and on account of having a troubled conscience over what they have done, for they knew that they would be punished had they been caught in the act. Such persons can bring charges before the court only for themselves and for their children, and for none other, according to what is right, according to the law and according to the assizes.

**Article 20 (Kausler, xx). Regarding a lawyer, also called an advocate, when he should be granted a hearing in court, and when he should not be granted a hearing.**

Likewise should an advocate, that is to say a lawyer, wish to become someone's representative, that is to say a proctor in court over an issue concerning someone, the law decrees that before he be granted a hearing, he must assure the court in its presence that he intends to speak at the behest of the person forwarding the claims. If, moreover, the court is not assured that it is at the behest of the person forwarding the claims, then according to what is right and according to the assizes it should not grant him a hearing, nor in accordance with the law.

**Article 21 (Kausler, xxi). Regarding those who are minors, and those who have brought themselves to financial ruin, and over what issues, according to the assizes, they can bring claims before the court or otherwise.<sup>164</sup>**

Likewise a dependent son, a minor, should not become a lawyer, that is to say an advocate, because he has not attained his majority, as well as for the reasons mentioned above. For the law decrees that 'whoever has need of the assistance and advice of another, that is to say a minor, can neither offer advice nor conduct the affairs of another in a court summons'. Likewise a profligate person, that is to say one who brings to ruin what is his and his property, can hardly watch over [the affairs] of another. The law, moreover, states that 'a man who brings his affairs to ruin cannot be the guardian of another, or the proctor of any issue coming before the court, since he has proved himself unable to look after his own'.

**Article 22 (Kausler, xxii-xxiii).<sup>165</sup> Here it is stated over which issues one can bring claims in the civil court, and over which issues one cannot do so.**

Among those things regarding which people can bring claims to court, in accordance with the law and the assizes, should be included matters regarding silver, or gold, or

163. Kausler, I, 57, xviii *om.* 'unaccompanied ... the law decrees'.

164. Kausler, I, xxi, 58 *om.* 'and over ... or otherwise'.

165. The Greek text omits the Latin headings in Kausler, I, 58-59, xxii-xxiii, and the Latin passage in Kausler, I, 59, xxii.

some other commodity, or other things of such a nature as can be converted into commodities, such as movable property, fields and villages, as well as capital offences such as murder, theft or robbery, or even loans, donations, purchases and sales. The assessors are well able to judge such matters in court. Let it be known, moreover, that such claims and matters can well be brought before the civil court, according to the law and the assizes.

**Article 23 (Kausler, xxiv).** Regarding those things over which it is not possible to bring claims before the civil court, and if claims are brought they should not be heard. This is why they are proscribed, because it is pointless to set them forth once philosophers have defined and measured them, as is to be found in the *Mappa Mundi*.<sup>166</sup>

These are the kind of things from among which two parties should not issue summonses in court, and should they issue such summonses they should in no way be granted a hearing. Such cases are if two people have a dispute between themselves and go to court over the expanse of the sky, or of the earth, or over the depth of the sea. As regards other issues mentioned above the courts are able to pronounce judgement.

**Article 24 (Kausler, xxv).** Since it has been shown and explained what kind of persons the assessors should be, what they should do, how the viscount should conduct himself and what kind of persons the advocates should be, as well as what kind of persons can bring charges against others in the civil court, and what kind cannot do so, here we shall begin to state the judgements, and first of all let us begin as regards the king.

Know well all those of you here at present and hereafter that he who first advances a claim in the civil court and in the ecclesiastical court should first of all have an entitlement over whatever he is claiming, whether he be a man or a woman.

**Article 25 (Kausler, xxvi).** Regarding the authority which the king has over his people, what obligations he has towards his people, and what obligations the people have towards the king and the king's oath.<sup>167</sup>

Should it happen that a man or a woman are judged by the court, such as a knight or a burgess, and the king, or queen, or the person ruling the land do not wish to allow him [or her] to have the judgement implemented at the place where it was given, he acts unjustly and goes against the law,<sup>168</sup> against God, and against his own oath. The person judged, moreover, is thereby wronged, and this is neither possible nor proper by law, for the king first of all swears on the Gospels to uphold all the donations of his royal predecessors.<sup>169</sup> and then swore to uphold the good customs and good prac-

166. Kausler, I, 60, xxiv *om.* the final sentence.

167. Kausler, I, 61, xxvi *om.* 'and the king's oath'.

168. Kausler, I, 62, xxvi *om.* 'the law'.

169. Kausler, I, 62, xxvi *om.* 'the donations ... predecessors'.

tices of the kingdom. He then swears to uphold and guard the law against all parties by his power, the poor as much as the rich, and the great as much as the humble. He then swears to uphold his liegemen lawfully against all parties, according to the usages of his court along with his liegemen.

And should it then happen that he violates his oath in any manner, he is acting wrongly, for first of all he denies God, and then acts unjustly in breach of his oaths, and neither his liege-men nor his people should tolerate this,<sup>170</sup> for the lord and lady are not rulers unless they be just stewards towards their people, so that they follow their commands and collect their rents and taxes from all parties. Yet know well that the ruler is not there to act unjustly. For should he do so, he would have no person under him able to speak and act fairly, since he himself violates his pledges in order to commit wrongdoings.

**Article 26 (Kausler, xxvii). Regarding sales and purchases, which sale should be considered valid and which sale is invalid and inopportune, by law and by the assizes.**

Should a man sell part of his livelihood to another and simply receive securities on account of this sale, and should the seller subsequently change his mind, he should offer double the security of the buyer, unless he wishes to do him some other kindness. Should it happen moreover that the person buying this commodity has changed his mind over the purchase he has made, he should lose his security, and nothing more, and thereby be absolved, and if he is unwilling to hand over his pledge of his own free will and should they have no other agreement between themselves, it should be taken forcibly.<sup>171</sup>

**Article 27 (Kausler, xxviii). Regarding the seller and the purchaser where the former has received part payment for what he has sold from the purchaser, even if it were only one *trachea*<sup>172</sup> by way of payment.**

If two men, the seller and the purchaser, come to an agreement among themselves to do business, and the seller sells what is his and receives from the purchaser part payment for the article of sale, or simply one *trachea* by way of payment, the seller cannot change his mind over the transaction he has concluded without the consent of the purchaser. The seller is obliged by law and according to the assizes to give the article to the purchaser, and the purchaser is obliged to pay the balance of the proceeds of the sale, unless they had some other agreement between themselves.

**Article 28 (Kausler, xxix). Regarding an article in the possession of the person who bought it, and who subsequently wishes to change his mind, and what the law decrees.<sup>173</sup>**

If it happens that a person sold an article to someone else, and the person buying this article has in his possession the commodity which he has bought, and it then happens

170. The words 'should tolerate this', missing from the Greek text, are found in Kausler, I, 62, xxvi.

171. Kausler, I, 62-63, xxvii *om.* 'it should be taken forcibly'.

172. Kausler, I, 63, xxviii has 'denier'.

173. Kausler, I, 64, xxix *om.* 'and what the law decrees'.

that the seller wishes to change his mind and take back what he owned the law and justice decree that he cannot deprive the buyer of the article which he has bought and which he has in his possession, should the latter not wish to return it of his own free will. Furthermore, should it be the case that the person who has purchased the commodity wishes subsequently to change his mind as regards the sale concluded, he cannot do so, if the seller does not wish to agree to this, but is obliged to pay him as much as he had agreed to pay for the commodity in his possession.

**Article 29 (Kausler, xxx). Here is explained the case regarding a person who sells his inheritance to someone else, and what rights to it his relative may have according to the law.<sup>174</sup>**

Should it be the case that a person wishes to sell his inheritance, and it happens that one of his relatives wishes to buy it and to give as much for it as a stranger, the law decrees that the relative should take possession of this inheritance in preference to someone else. The relative of one who is selling his inheritance is empowered, moreover, to receive this inheritance by challenging the sale in preference to a neighbour, or to anyone else other than a relative, male or female. First of all, however, the relative must receive the property from the man or woman from whom he has bought it, for as much as had been given [by the purchaser], within seven days of the sale having taken place. But know well that once the seven days have passed, no-one can deprive the purchaser of this inheritance, by law and according to the assizes.

**Article 30 (Kausler, xxxi). Here [the law] is stated as regards one who buys an inheritance, and how he can keep it for a year and a day without this being challenged, what due the person selling the inheritance must pay the king, and what due the person buying it must pay according to the assizes.<sup>175</sup>**

If a person buys an inheritance from another man, or from a woman, and it so happens that he holds it for a year and a day without being challenged the law, justice and the assizes of Jerusalem decree that henceforth he can no longer lose it to any man or to any woman who are of the legal age. But if there happens to me a man who is a minor, or a woman who is under-age, justice decrees that he or she who is under age cannot lose what is theirs on account of its having been held for a year and a day by the person possessing and living within the stated inheritance,<sup>176</sup> or because a year and a day had passed and the minor did not demand his due. It is written, moreover, in the composition, that is to say it is established in the assizes, that a person selling his inheritance, if this inheritance is located on crown land and yields a rent, should pay the court one mark of silver for this sale. The person buying it from him, moreover, should pay three and a half bezants for its possession, that is to say for holding it.<sup>177</sup> If, however, the land or the house is freehold, that is to say it does not yield any

174. Kausler, I, 65, xxx *om.* 'according to the law'.

175. Kausler, I, 65, xxxi *om.* 'according to the assizes'.

176. Kausler, I, 66, xxxi *om.* 'on account of ... inheritance'.

177. Kausler, I, 66, xxxi *om.* 'for its possession ... holding it'.

form of rent to the king, nor to anyone else, this being so, the law decrees that the seller need pay nothing for the sale of the inheritance, but only the buyer need pay three and a half bezants, without paying anything else. In this regard let him remain absolved, that is to say acquitted, according to the assizes.

**Article 31 (Kausler, xxxii). Here is stated the entitlement of one who takes a house as security for some commodity he has given, to whom the rent should belong if the property is rented, and whether the person holding the house as security, if living in it, should pay rent to the owner or not.**

If a man or a woman receive a house as security from another man or woman, for [lending them] 20 bezants, or 100, or double that,<sup>178</sup> up until a fixed time, the so-called term, which has been specified before the court, or before the viscount and two assessors and the debtor, is within the house, which he holds from the person who has lent him the bezants for a rent of one *trachea* up until the time of repayment, and then when the term has expired he does not wish to repay him, or does not have the wherewithal, the person lending the money should appear before the court and declare this to the viscount and the assessors. The viscount and the assessors, moreover, are obliged by law to order the ruler's town-crier to proclaim throughout the town for two days [the sale of] the house which is encumbered by debt. Then the town crier should proclaim its sale for a third time in the court, while it is in session. And whoever wishes to give the most should take it, if the person who has given it as security does not relieve it of debt. Furthermore, should it be the case that the house was not sold for as much as the debt amounts to, he or she who surrendered it as security must lawfully pay the balance out of all his goods. But if the house was sold for more than what the debt amounts to, the court is obliged to take in the surplus, and return it to the man or woman to whom the house or field or land had once belonged. If, however, it should be the case that the person possessing the house as a security rented it, or received rent from it, this should go towards repayment of the debt on the house, according to justice and according to the assizes. If, moreover, he resided in the house then the rental value of the house equal to the amount given by other people should be set as though he paid rent against the same debt.

**Article 32 (Kausler, xxxiii). Here is stated the right of one who sells an untamed, that is to say restive, beast, and as regards the person buying this restive, that is to say untamed, beast.**

Should it happen that a person buys an untamed beast from another person, that is to say a restive one, and the person buying it has kept it for a year and a day at his home, he can no longer return it to the person who sold it to him, should it be the case that the person who sold it does not wish this, once he has held it for a year and a day. Should it happen, however, that the person buying the animal asked the person who had sold it to him within a year and a day from the time of purchase to take back his animal which was restive and to give him his money, the law decrees that the seller

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178. Kausler, I, 66, xxxii has the Latin numeral 'M', meaning five hundred.



is lawfully obliged to take back the beast, and to return him his money with the following proviso, that the buyer swear upon the Gospels that this beast never became untamed while with him, once he had taken it home, having bought it.<sup>179</sup> After this let him remain absolved by law and according to the assizes.

**Article 33 (Kausler, xxxiv). Here the law is stated regarding one who buys or sells a slave, male or female, who goes down with a grave illness.<sup>180</sup>**

If it happens that a man or a woman sell a slave, male or female, to another man or woman, and it then happens that this slave goes down, that is to say falls sick, within a year and a day of having been sold, he or she who bought her can easily return her to the person who sold her, within the year and the day. The seller, moreover, is lawfully obliged to take her in and return whatever he has been paid. Once, however, a year and a day have passed the person who had bought the male or female slave can no longer return her [or him] to the person who had sold her [or him], by law and according to the assizes of the kingdom of Jerusalem.

**Article 34 (Kausler, xxxv). Here the law is explained as regards one who has bought a leprous slave, male or female, and as regards the person who sold him what law should be applied according to the assizes.**

It happens on some occasions that a man or a woman buys [a slave] from another man or from another woman and the male or female slave contract leprosy within a year and a day from the date of purchase ...<sup>181</sup>

**Article 37 (Kausler, xxxviii). ... of that woman who purchases sacred objects.**

Should it happen that a lay man or woman<sup>182</sup> knowingly buys some object dedicated to the church or to a monastery from some other man or woman, such as a goblet or a cross, shrouds, gowns or undergarments, or other vestments which have been dedicated, the law and the assizes decree that first of all these things should be returned to the holy church, and that the buyer should lose all he has given for them, for every Christian who has faith in God should not have sacred objects, neither in his possession, nor in his care, nor in his house.

**Article 38 (Kausler, xxxix). Here is explained the law of one who sells a horse to another person [for payment] by a fixed date, and the buyer cannot pay for the horse, and what should be done by the court to the debtor in accordance with the assizes of the country.<sup>183</sup>**

If it happens that one person sells a horse to another expecting payment by a fixed time, and after this time has arrived and gone by the seller comes to him and asks him

179. Kausler, I, 68, xxxiii *om.* 'once he had ... bought it'.

180. Kausler, I, 68, xxxiv *add.* 'regarding what should be done'.

181. Due to the loss of a folio, the end of Article 34 is missing, as are Articles 35 and 36 and the beginning of the heading of Article 37. See Sathas, *Μεσαιωνική Βιβλιοθήκη*, VI, 291 note 1.

182. Kausler, I, 71, xxxviii *om.* 'or woman'.

183. Kausler, I, 72, xxxix *om.* 'and what ... the country'.

to hand over his money, but the debtor responds that he lacks the wherewithal to pay him, the law decrees that he should swear upon the Gospels that he no assets either above ground or below ground with which to pay his creditor that which he owes him. And once he has sworn this, the court should hand him over to the person who had sold him the horse. This person, moreover, should have him kept in his custody as a Christian, and should provide him with bread and water, should he not wish to provide him with anything more to eat. Furthermore, should he spend anything on him it should be added to his debt, by law and according to the assizes of the country.

**Article 39 (Kausler, xl). Here is explained the law regarding one who lends his horse or his mule to a person who is a guarantor or to someone else who is in debt, and how the latter can take the beast away lawfully.**

Know well that a person may lend his beast of burden to another person, and the person to whom he has lent it tells him 'I will return you your horse tomorrow'. And then you let him take away his beast of burden. Should the borrower be such a person as a debtor, or the guarantor of some other person, the person to whom the borrower is indebted, or to whom he has pledged security, is well able to deprive you of your beast of burden and secure repayment, by law and according to the assizes of the country.

**Article 40 (Kausler, xli). Here the law is stated regarding those wholesalers who show a good sample of that which they wish to sell, and then give other than what they have shown.**

If a person, whoever he might be, whether a trader or someone else, approaches a wholesaler of wheat in order to buy some, and the person selling the wheat shows him some of the wheat, or a sample of something else for sale, and says to him 'I will sell you such wheat, or such an article, and it will be just as good as this', and on the basis of this the buyer gives him a security for the wheat shown to him, but then the seller does not wish to give him such wheat as was shown to him but another kind, justice decrees that by law the seller is obliged to give such wheat, or such a commodity in general, as what he had shown him and agreed on with him, or of such quality as was the wheat which he had shown him. For all people are obliged to fulfil that which they have agreed to, so long as the agreement is not<sup>184</sup> contrary to the law and contrary to the assizes. Furthermore, should the seller not wish to give that on which they have concluded an agreement he should double the security, by law and according to the assizes.

**Article 41 (Kausler, xlii).<sup>185</sup> Since the other rights have been explained, it is right to explain the rights regarding loans given for commodities transported across the sea, for the purpose of securing profit. That is to say that once the law in Latin has been stated, such transactions as are concluded in good faith, that is**

184. The Greek text omits 'not'. See Kausler, I, 74, xli.

185. Kausler, I, 74, xlii has this law in Latin.

to say loans, must be explained. But first of all it must be seen what kind of thing a loan is. A loan is something given with a view to securing an advantage for its user, which means that great care should be taken in asking for a loan from the lender, for he is obliged [to abstain from] all trickery and lawlessness. Conversely he is in no way liable for the vagaries of fortune, if it be the case that there is no clear indication of his culpability.<sup>186</sup>

**Article 42 (Kausler, xliii).** Here is explained the location established by King Aimery for the conduct of the court cases regarding seafarers and ships and boats.

Know well that for those persons journeying by sea, should they have some dispute with their sailors when they jettison things overboard on account of bad weather, or for some other reason, the law decrees that such cases be judged in the marine court. For judicial duels for the furnishing of proof, or regarding demands or issues concerning the voyages never take place in the marine court, whereas in the court of the burgesses claims must be settled by judicial duel if the matter involves sums in excess of one silver mark. This is why all these rights are dealt with in the court of the chain (i.e. the marine court), other than theft, murder, or treason, for all these matters must be brought before the other court unless they had [some agreement] between themselves,<sup>187</sup> for the law says that all agreements not contrary to the law must and should be upheld and adhered to.

**Article 43 (Kausler, xlv).** Here is stated the entitlement of a person who gives his goods to be taken to some named destination when the carrier takes them somewhere else and profits<sup>188</sup> from taking them to the place which was neither specified nor agreed on.

Should a person give someone else 25 or 100 bezants [in kind] to be taken across the sea, to Cyprus shall we say,<sup>189</sup> and make an agreement with him to be given his portion of the profit, and it happens that the person receiving the goods makes a different journey, that is he goes to a place other than the place agreed on, and it happens that the ship is wrecked, or the money is lost, the law decrees that the carrier must make good the money in question because he went of his own free will to a place other than the place agreed on. Should it happen, moreover, that he made a profit on his journey, then the owner of the goods must receive his share, according to justice and according to the assizes.

**Article 44 (Kausler, xlv).** Here is stated the entitlement one should have over cargo thrown into the sea on account of rough weather to lighten the boat, or the ship.

Should it happen that a boat runs into foul weather, and those on board jettison part of their merchandise, or their clothes, or their possessions, to lighten the boat, or to

186. Kausler, I, 74, xlii states that the creditor is not liable 'unless there should be evidence of guilt'.

187. Kausler, I, 75, xliii has 'if they had no other agreement between themselves'.

188. Kausler, I, 75, xlv has 'loses or profits'.

189. The fact that Cyprus is mentioned as a destination illustrates how the assizes were originally promulgated for the kingdom of Jerusalem, and were simply translated for use in Cyprus.

save their lives, the law decrees that as soon as they reach a port in safety, first of all everything that the boat or ship is worth, including everything jettisoned, as well as everything remaining on board other than the clothes which the people are wearing, should they have on their persons any golden buckles or silver belts, must all be assessed as regards their price in bezants, along with the remaining articles. And you should know that the goods thrown overboard must not be assessed except at cost price, including customs duties. The goods remaining on board should likewise be assessed at cost price, for if they were valued for as much as they might fetch when sold in the land the ship was destined for, this would be unfair. For it would be advantageous to desire to have the sale price for such commodities as would sell well, and not for the others, like, for instance, if I had bought a certain commodity for 25 bezants,<sup>190</sup> and could sell it for 50 bezants, while another who had bought a commodity for 100 bezants could now only sell it for 40 bezants.<sup>191</sup> And when they came to assess the extent of the losses in order to give each person his share, some would have the profit on their goods in instances where it would sell well at the final destination, while others would suffer all the loss on the jettisoned cargo, which would be unjust. And this is why it is decreed in the law and in the assizes that both the jettisoned and the remaining goods should not be valued other than at cost price. And once the jettisoned and remaining goods are assessed in this fashion, according to the estimation of the merchants, the chief officer and the sailors, the law and the assizes decree that the assessors of the court of the chain, that is to say of the marine court, should judge that the lost cargo should be assessed in bezants by the hundred, that is to say that the loss should be computed as a portion of every 100 bezants. Furthermore, should it be the case that the ship's captain or anyone else does not believe that goods to such a value were jettisoned, the court should have the chief officer and many of the sailors brought into its presence, those whom they know to be the best, and they should be made to swear upon the Gospels to speak the truth. After that, in accordance with their statements, each one should receive his share of the loss, for this is what is right and lawful according to the assizes of the land of the kingdom of Jerusalem.

**Article 45 (Kausler, xlv). Here you shall hear the law of sailors who have agreed to make a journey, and having taken their pledges then change their minds.**

Should it happen that sailors come to an agreement with the captain of a ship to make a journey, and receive one half of the money of those party to the agreement, and it then happens that the sailors change their mind, the law decrees that they should reimburse the money of the ship's captain twice over. Should they have done some work on the ship, such as keeping watch, or loading it, they should not be given anything, because they reneged from the agreement they had made. Furthermore, if the sailors were absent at the captain's appointed time, when they should have begun sailing, and on account of the urgency of setting sail the captain hired other sailors at a higher rate of pay, or if some other damage befell him, the law decrees that all the

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190. Kausler, I, 77, xlv has 'for 20 bezants'.

191. Kausler, I, 77, xlv has 'for 30 bezants'.

damage which the ship's captain has sustained on their account, or the damage that he sustained by having to hire other sailors at a higher rate, is by law to be payable to him by the sailors themselves. In a like manner should the captain have hired sailors in order to make a journey, and then have changed his mind, everything which he gave the sailors should lawfully be theirs. Should he chart a route, moreover, other than the one he had agreed with them, whether longer or shorter, the sailors are not obliged to follow it, should they not wish to, by law and according to the assizes, but should remain absolved, or acquitted as is said.

**Article 46 (Kausler, xlvii). Here is explained the law regarding false Christians who take prohibited goods to Muslim countries, and what sentence should be passed on the persons taking them.**

Should it happen that a sailor, or a trader, whoever he might be, takes prohibited goods to Muslim countries, such as weapons and helmets, and chain mail, or spears, crossbows, or rods of iron, or bits for horses, and this can be brought to the knowledge of the marine court by the sailors or the merchants who were present there and witnessed him selling the goods, and witnessed him taking these prohibited goods to the Muslims, should what he had taken amount in value to more than one mark of silver, everything that he has should go to the ruler of the country. Furthermore, he should be sentenced by the other court, the court of the burgesses, to death by hanging, once the assessors of the marine court have taken testimonies brought before them regarding this matter. This, moreover, is what is right and lawful according to the assizes.

**Article 47 (Kausler, xlviii). Here is explained the law as regards goods given for transportation across the sea, in instances where pirates deprive [the ship] of all its cargo, both what was given and other things, or where the ship is wrecked, losing all it has.**

Should it happen that a person gives another person some of his goods to be transported across the sea for profit, it being subjected to the risks of the sea and of people, and it comes to pass that pirates make off with the cargo, depriving the ship of all it has, or a storm breaks and wrecks the ship so that all is lost, the law decrees that the carrier is acquitted by law, and should not in any way have to offer compensation for the lost goods. But should the carrier make his journey safely and soundly, and having reached his destination should he have caused some disturbance and killed someone, on account of which the ruler of the country confiscates everything which he has, the law decrees that he is obliged to give back to the people [who entrusted him with their goods] all that he has taken. For it would not be right for the good people who gave him what was theirs so that he could secure a profit to lose them on account of his stupidity. Since he caused harm on his own initiative, he must therefore shoulder the consequences of his own actions. Furthermore, should it be the case that he received commodities from the good people in order to take them safely to a certain country, he is obliged to offer compensation for them, as though they had disappeared, which is to say as though they were lost.<sup>192</sup> And if his cargo were of such

192. Kausler, I, 81, xlviii *add.* 'by law and according to the assizes'.

value that he does not have the wherewithal to pay for all that he had in his possession, the marine court should have him gaoled for eight days, and from then on, once he has been gaoled, the person or persons on account of whom he has been gaoled must give him at least bread and water for his sustenance, should they not wish to give him anything more, for this is what is right and lawful according to the assizes.

**Article 48 (Kausler, xlix).** Here the law is explained as regards those goods thrown overboard and found by people at the bottom of the sea, or on the coastline, what portion is due to one who finds them underwater in the depths of the sea, and what portion is due to one who finds them afloat on the water.

Traders or other people who venture across the sea, should they happen to run into bad weather, throw part of their goods or part of their clothes overboard on account of this bad weather, and it subsequently happens that these goods are found afloat on the water. The law decrees that the person finding them above water should<sup>193</sup> have one half, and the other half is due to the owner of the articles. Should it be the case, however, that the goods are found at the bottom of the sea, the person finding them should be entitled to one third, for the goods at the bottom of the sea should go to their owner. If, moreover, the owner of the object is not found, the portion due to the owner of the object should be given to the ruler of the country. Furthermore, should the ship run aground on dry land and be wrecked on account of bad weather, or on account of being becalmed in still water, or by some other manner, whatever it might be, so that the boat or ship is wrecked, the goods within its hold should be saved for those to whom they belong. But wherever it might be wrecked, the ruler of the country is entitled to have the rudder and the main-mast of that ship-wreck, whether it were wrecked at sea or on dry land, for the blessed soul of the late King Aimery granted this privilege throughout the kingdom of Jerusalem.

**Article 49 (Kausler, l).** Here you shall hear other rights regarding one who lends what is his in cases where the borrower wishes to give him back other than what he has lent. This law is a piece of Latin legislation. Here are explained the rights of one who lends his goods to another when the person who has borrowed what is his wishes to repay him in a commodity other than what was lent.

All people should know that one who lends what is his is in no way obliged by law, should he not wish this, to take back something other than what he has lent, and of the same quality. If one were lent wheat, for instance, one should in no way repay it with barley, nor if one were lent oil should he repay it with wine, nor if one were lent bezants should he repay them with *cartzias*. On the contrary, the law decrees that one is obliged to repay with such an article as one was lent, and this is the reason why. It is because frequently a type of coin is worth five *sous*, and a bezant is frequently worth ten *sous*. Wheat, moreover, at the current price may be worth one bezant for every *modius*, and barley may be worth one bezant for every three *modii*. This is why the law and the assizes decree that it is in no way just for one to give back [a com-

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193. At this point there is a *lacuna* in the French text, which extends to the first part of Article li. See Kausler, I, 82-83 and 82 note 1.



modity other than that lent], or to repay bezants with *cartzias*, or wheat with barley. On the contrary one should by law repay in the same kind as one has borrowed. Nor should the court exert pressure on one to accept in repayment something other than what he had lent, unless he so desires, and the goods given in repayment must be of the same quality and price as that which was lent.

**Article 50 (Kausler, li).** Here the law is stated regarding one who lends what is his to another, and when he asks for repayment the debtor replies by stating that he owes him more than the sum he is asking for, and so he does not wish to offer repayment, unless the court so decrees.

If it happens by some chance that one man summons another to court and states that he owes him ten bezants, and the latter replies 'Indeed he speaks the truth, but I do not wish to repay him because he owes me far more than what I owe him, and so I do not wish to pay him, unless the court decrees otherwise' the decision of the assessors should be that the defendant is indeed obliged to repay those ten bezants, for the claimant had him summoned to court first, and the defendant acknowledged what was asked of him. Subsequently let the defendant summon the claimant to court over anything which he states to him,<sup>194</sup> and then the latter will be obliged to give him his due, by law and according to the assizes.

**Article 51 (Kausler, lii).** Here the law is stated regarding a debtor who denies having been lent something, and then acknowledges this before the court without coercion on the part of witnesses, and what justice should be administered with regard to him.

If it happens that one person has another person summoned to court on account of some goods which he owes him, and the person from whom these goods are sought denies this in court before the viscount and the assessors, and it then comes to pass that he acknowledges his debt before the viscount and before the assessors without coercion of witnesses, the law decrees that he should first of all pay the goods he denied owing, and should then be considered faithless and lose the right to speak and offer a defence before the court. For he should never be believed, nor should his summons be given a hearing, nor his testimony be given credence. Furthermore, he should be sentenced to pay the ruler a fine such as a faithless person would pay, for his faithlessness was revealed by his own actions, insofar as he denied the debt and subsequently acknowledged it.

**Article 52 (Kausler, liii).** Here the law is stated as regards a person who lends what is his to another person in the presence of two witnesses, one of whom subsequently dies.

If it happens that one person lends his livelihood to another person in the presence of two witnesses, and it then happens that one of these witnesses dies, and subsequently the creditor has need of the two witnesses to what he has lent, because his debtor

<sup>194</sup> Kausler, I, 83, li has 'which he owes him'.

refuses to acknowledge owing whatever he had lent him, the law decrees that the living witness can offer testimony both on his own account and on behalf of the deceased witness. Trial by battle is required, however, if the issue in dispute is worth one silver mark or more, for the debtor can then challenge that witness to single combat, and whoever is vanquished must then be hanged, by law and according to the assizes.

**Article 53 (Kausler, liv). Here the law is explained as regards a debt part of which is acknowledged, but not the remainder.**

If it happens that one person owes something to another, and the latter asks for the return of his livelihood from the debtor, and the debtor replies 'It is true that I owed you 20 bezants, but I paid you back the ten bezants, and I intend to give you the remaining ten bezants in good time', and the creditor then responds 'God forbid that you ever paid me anything, on the contrary, you owe me 20 bezants', as regards this issue, the court should see to it that should the debtor have as witnesses two persons who saw him pay those ten bezants, he should be acquitted, that is not troubled any further. If the creditor rejects their testimony, trial by battle is required, and he can challenge one of the two witnesses to single combat. Should the debtor, moreover, not have two witnesses who saw him pay the creditor the ten bezants he is asking for, then the creditor should swear upon the Holy Gospels that he received none of these ten bezants, nor did anyone else receive them on his behalf. The court should then make him pay his creditor<sup>195</sup> all 20 bezants, by law and according to the assizes.<sup>196</sup> Likewise should one person lend 20 bezants to another person, and should the debtor subsequently refuse to acknowledge the debt when asked for repayment, the law decrees that the person lending the ten bezants requires two witnesses who saw him lend those ten bezants. Furthermore, should he not have witnesses who saw him in the act of lending them to the debtor, but has only witnesses who recall this, it is of no avail, should this recall not have taken place in the presence of the one and of the other, that is to say of the creditor and the debtor. If this should not be the case, the debtor of the person asking for the money should swear upon the Gospels that he owes him nothing, nor did the creditor lend him anything,<sup>197</sup> and after this he is acquitted.<sup>198</sup>

**Article 54 (Kausler, lv). Here is explained the law regarding one who surrendered his horse as a security.**

If a person surrenders his horse as security to another person in return for 20 bezants, for up to a certain time, which is called the repayment term, and subsequently does not wish to redeem it when the time is up, the creditor is well able to have this

195. Both the Greek and the French texts (Kausler, I, 86, liv) have the word 'debtor', but creditor is what is meant. See Codex I of the Greek translation, Article 52.

196. Kausler, I, 86, liv *add.* 'of Jerusalem'.

197. Kausler, I, 86, liv *om.* 'nor did ... anything'.

198. Kausler, I, 86, liv *add.* 'by law and according to the assizes'.

security advertised for sale by the town crier throughout the town for two days running. It can be relinquished on the third day to the buyer who has offered the most. Furthermore, should the creditor not have obtained from his security as much as he had lent, the person who surrendered it as security is obliged to repay him the shortfall, by law and according to the Assizes of the Kingdom of Jerusalem. Should the creditor have received more from selling the security than whatever he had lent, he should lawfully return this surplus to the original owner of the security, or to his relations.<sup>199</sup>

**Article 55 (Kausler, lvi). Here you shall hear the law of securities that are lost.**

If it happens that one person lends another person 20 bezants and receives a security, such as belts inlaid with silver, or gold or silver bowls, [and] it then comes to pass that the creditor loses the securities, or they are stolen, the law decrees as follows, that in whatever manner the creditor has lost them, or if they were stolen from him, he must make good their value to whoever gave them to him as a security, by law and according to the assizes.

**Article 56 (Kausler, lvii). Here the law is stated regarding one who lacks the wherewithal to repay what he owes.**

If person has lent another person 20 bezants, repayable within a fixed time, and afterwards when this time has come and he asks for his bezants from the debtor the latter replies that he lacks the wherewithal in order to be able to repay him, and it happens that the creditor summons the debtor to court, the law decrees that the assessors should judge that the debtor who declares that he does not have the wherewithal to pay whatever he owes to the creditor should swear upon the Gospels that he has nothing above the ground in order to be able to repay that which he owes. And once he has taken this oath, the court should have the debtor's person handed over to the creditor, who should hold him in his custody as a Christian in his home. When, moreover, he has acquired his money back, he should return him to justice, by law and according to the Assizes of the Kingdom of Jerusalem.

**Article 57 (Kausler, lviii). Here the law is stated regarding a Latin and a Syrian over a debt owed by one to the other.<sup>200</sup>**

If it happens that a Latin has a Syrian summoned to court over something which he owes him, and the Syrian denies this, that is to say what is owed,<sup>201</sup> and the Latin has no witnesses, the law decrees that the Syrian should swear upon the True Cross that he owes him nothing, and on the strength of this oath the Syrian can remain acquitted.<sup>202</sup>

199. Kausler, I, 87, lv *add.* 'by law'.

200. Kausler, I, 88, lviii *om.* 'owed by one to the other'.

201. Kausler, I, 88, lviii *om.* 'that is to say what is owed'.

202. Kausler, I, 88 lviii *add.* 'by the assizes'.

Likewise should a Syrian have a Latin summoned to court over something which he has given him, and the Latin denies having received the thing asked of him, the Syrian, moreover, not having any witnesses, the Latin does not have to swear an oath for the Syrian, should he not recall owing him anything.

**Article 58 (Kausler, lix). Here the law is stated regarding a Latin and a Muslim.**

Should a Muslim be summoned to court by a Latin on account of some livelihood owed to him which the Latin wishes to obtain, should the Muslim deny owing this livelihood and the Latin not have any witnesses, the law decrees that the Muslim should swear on the laws he believes in<sup>203</sup> that he owes the Latin nothing, and is to be acquitted on doing so.

Likewise should a Muslim summon a Latin to court on account of owing him some livelihood,<sup>204</sup> and the Muslim has no witnesses, the law decrees that the Latin is not obliged to swear an oath for the Muslim, should he not recall owing anything.

**Article 59 (Kausler, lx). Here the law is stated regarding a Greek and a Latin.<sup>205</sup>**

Should it happen that a Latin summons a Greek to court over some issue requiring a summons, such as a debt, and that the Latin issuing the summons does not have Greek witnesses, when the Greek denies his indebtedness any other witnesses are not valid by law and according to the assizes. For a Latin cannot offer testimony against a Greek, nor a Greek against a Latin, according to the Assizes of the Kingdom of Jerusalem.

**Article 60 (Kausler, lxi). Here the law is stated regarding Greeks and Armenians.<sup>206</sup>**

Should it happen that a Greek summons an Armenian to court over some issue requiring a summons, such as over some debt, and the Greek claimant does not have Armenian witnesses, other witnesses are of no use to the Greek, for Greeks cannot offer testimony against Armenians, by law and according to the assizes.<sup>207</sup>

Likewise should an Armenian have a Syrian summoned to court over some debt owed to him, should the Syrian deny his indebtedness and the Armenian not have Syrian witnesses, other witnesses are not in any way of use to him, by law and according to the Assizes of the Kingdom of Jerusalem.

**Article 61 (Kausler, lxii). Here the law is stated regarding Syrians and Nestorians.**

Should it happen that a Syrian has a Nestorian summoned to court, over some issue requiring a summons such as over indebtedness, and the Syrian does not have

203. Kausler, I, 89, lix *om.* 'he believes in'.

204. Kausler, I, 89, lix *add.* 'and the Latin denies owing the livelihood'.

205. Kausler, I, 89, lx *add.* 'and what testimony between them is needed',

206. Kausler, I, 90, lxi *add.* 'and what guarantee between them is necessary in court'.

207. Kausler, I, 90, lxi *add.* 'of Jerusalem'.

Nestorian witnesses, other witnesses are of no use to the Syrian if the transaction, moreover, did not take place in court, for a Syrian cannot offer testimony against a Nestorian, according to the assizes of Jerusalem.

Likewise should an Armenian summon a Nestorian<sup>208</sup> to court over a debt owed to him and which he denies owing, should the Armenian not have Nestorian<sup>209</sup> witnesses other witnesses are of no help to him should the transaction not have taken place in court. For an Armenian cannot offer testimony against a Nestorian according to the Assizes of the Kingdom of Jerusalem.

**Article 62 (Kausler, lxiii). Here you shall hear<sup>210</sup> about the Nestorians and Jacobites.**

Should it happen that a Nestorian summons a Jacobite to court over some issue requiring a summons such as a debt, and the Nestorian issuing the summons does not have Jacobite witnesses, his witnesses are of no use to the Nestorian if the loan transaction did not take place in court, for a Nestorian cannot offer testimony against a Jacobite, by law and according to the assizes of Jerusalem.

Likewise should a Jacobite summon a Samaritan to court over some debt which the latter owes him, and the Samaritan denies his indebtedness, the law decrees that the Jacobite needs to have two Samaritan witnesses, for according to the law and the assizes of Jerusalem any other witnesses are of no use, since a Jacobite cannot offer testimony against a Samaritan.

**Article 63 (Kausler, lxiii).<sup>211</sup> Here the law is stated regarding Samaritans and Muslims.**

Should it happen that a Samaritan summons some Muslim to court over some debt that he owes him, and the Muslim denies his indebtedness, the Samaritan requires Muslim witnesses, for other witnesses are of no use unless the debt transaction took place in court. For a Samaritan cannot offer testimony against a Muslim, according to the assizes of the kingdom of Jerusalem.

Likewise should a Muslim summon a Jew to court over some debt which he owes him, and the Jew denies this, the law decrees that the Muslim requires two Jewish witnesses, nor are other witnesses of any use to him whatsoever, unless the loan transaction took place in court. For a Muslim cannot offer testimony against a Jew, nor a Jew against a Muslim, nor a Samaritan<sup>212</sup> against a Jacobite, nor a Jacobite against a Syrian, by law and according to the assizes, neither over debt, nor over inheritance, nor over any matter which may arise, unless the matter has been agreed

208. The Greek text has 'someone else' but the remainder of the sentence makes it clear that Nestorians are the persons meant.

209. Kausler, I, 91, lxii has the word 'Syrian' instead of Nestorian throughout the paragraph.

210. Kausler, I, 91, lxiii *add.* 'the law'.

211. Articles 62-63 of the Greek text form one article in Kausler (I, 91-92, lxiii).

212. The words 'nor a Samaritan', occur twice over in the Greek text.

on within the court. For the law decrees that the witnesses should originate from the same confession as the defendant originates from, since this is what the royal law decrees.<sup>213</sup>

**Article 64 (Kausler, lxiv).** Here the law is explained regarding one who has been handed over to the court over a debt that he owes.

Know well that if<sup>214</sup> a person is handed over to the court over some livelihood which he owes another person, and then some man or woman come along and brings charges against the person in the custody of the court, declaring that he owes them something, the law decrees that should that man or woman bringing charges against the person arrested not have power over the person who is in custody over the debt which he owes, he or she are then well able to have him placed in their custody and hold him until they are paid whatever he owes them, as well as for whatever he [or she] paid on his behalf to the primary creditor. This moreover is lawful according to the assizes.

Likewise if it happens that the person keeping the debtor in his custody as a Christian also happens to have other debtors, to whom the debtor in custody owes money, and they<sup>215</sup> accuse the person keeping the debtor in custody, stating that the debtor did not pay him what he owes him, or that the debtor does not owe him as much as he is asking for, the law decrees that the viscount should then make the creditor holding the debtor in his custody swear upon the Gospels and state truthfully exactly what the person in custody owes him, and then he should state before him how much the debtor owes him and how much he has received. Then, on the basis of the oath he has taken, the viscount should order him to surrender the debtor to the court as soon as he has been paid. The court, moreover, should he have no other creditor,<sup>216</sup> should release him at once.

This also is right and lawful, that a creditor holding someone in his custody should be made to swear an oath in the above manner, because 'if I had a friend of mine in my custody and he owes some livelihood to another man or woman, I might wish to say that he owes me 100 bezants, even though he does not owe me anything', and in such a manner one could block the repayment of debts to honest people.

**Article 65 (Kausler, lxv-lxvi).** Since the right of creditors have been explained, now must be explained the rights of guarantors who offer security on other people's behalf. This is what the Latin legal text explains,<sup>217</sup> that is to say the law of guarantors.

It is good for every person to know that guarantors are secondary debtors, for when the person who has lent his livelihood cannot be paid by his debtor it is lawfully

213. Kausler, I, 92, lxiii *om.* 'for this ... decrees'.

214. The Greek text omits 'if'. See Kausler, I, 92, lxiv.

215. The Greek text wrongly has 'and he breaks faith with'. See Kausler, I, 93, lxiv.

216. The Greek text wrongly has 'should he have no other debtor'. See Kausler, I, 93, lxiv.

217. For the Latin text see Kausler, I, 94, lxv.



required that the guarantors should pay, since this was the very reason why the creditor accepted the guarantors, because he was in fear of his debtor. For this reason, moreover, one should be watchful as regards whom one offers guarantees for, for the law decrees what is ordained as above.

**Article 66 (Kausler, lxvii). Here you shall hear the law regarding guarantors who denied offering a guarantee, and subsequently admitted to having done so.**

Know well that if it be the case that a person becomes a guarantor on behalf of another, and the lender, that is the creditor, asks the guarantor for his security, and the guarantor denies having ever offered security before the court, and then admits to having offered it in court without any pressure exerted by witnesses, the law decrees that this guarantor is above all faithless. He loses, moreover, all rights to be granted audience in court, and cannot be produced as a witness for the remainder of his life, nor can he be believed as regards anything he says. And he is to be sentenced to pay such a fine to the court as a faithless man would have to pay.

**Article 67 (Kausler, lxviii). Here the law is explained as regards one who sells the security of his guarantor for more than what he is owed, and how he is required to repay and return the surplus.**

If it happens that a person is a guarantor, and that you (i.e. the creditor) ask him for his security and he gives it to you and you then sell that item of security for more than whatever he owes you by way of security, and on account of which he gave you the security, the law decrees that you should return the surplus from the sale of this security to the guarantor who gave you the security. For this is what is right, and if it should be the case that you return the surplus to the debtor, it is lawful that you likewise satisfy the guarantor, should he wish to ask you for it.

**Article 68 (Kausler, lxi). Here the law is stated regarding one who gives his security in trust back to his debtor, after having received it.**

If it happens that a person has a debtor, and he approaches him at the time of repayment, the so-called term, and he asks the debtor for the livelihood which he has lent him, and the debtor replies 'I cannot pay you now', and the creditor says to him 'Since you do not wish to repay me, I am going to get the security from the guarantors', whereupon the debtor beseeches him 'Do not take the security from the guarantors, for I intend to give you my security on the guarantors' behalf' and once he has given him his security on behalf of his guarantors he then implores and beseeches him so that the creditor trusts him, and gives him back that security for a further fifteen days, and the debtor tells him that he will return this security or a better one at the end of the fifteen days, know that the law decrees that if the debtor does not wish to return the security to the creditor afterwards, the guarantors are acquitted of their pledge for as much as that security was worth, since the creditor placed his trust in the debtor, by law and according to the assizes of the kingdom of Jerusalem.

**Article 69 (Kausler, lxx). Here the law is explained as regards guarantors who wish to be absolved from their guarantee, when they can be so absolved, and when this is not possible.**

If a person appoints three guarantors to offer him security, according to the assizes of the land, for a man or a woman [in debt to him], and does this in the most open man-

ner, he cannot thereafter absolve one guarantor and not the others. If the creditor who nominated them says to the debtor 'take this money which I give you for one of my guarantors' (whom he names) and he tells him that the guarantor wishes to be absolved from honouring the guarantee, know that the law decrees that he cannot do this, nor can he absolve one guarantor and not the others. Furthermore, should it happen that one of the guarantors took some money belonging to him, or to someone else, and approached the creditor, telling him 'Here sir, for I wish to be absolved from my share of the obligations towards you and from being a guarantor for you', know that this is of no use and that the creditor cannot absolve one guarantor and not the others.

**Article 70 (Kausler, lxxi). Here you shall hear the law as regards the security's guarantor.**

If I am Bernard's guarantor regarding Martin (i.e. the debtor), and Bernard asks me for my security, and I give it on behalf of Martin, whom I have guaranteed, should it then happen that Bernard dies in possession of my security,<sup>218</sup> the law decrees that the guarantor is absolved for as much as that security is worth, by law and according to the assizes of Jerusalem.

**Article 71 (Kausler, lxxii). Here the law is stated regarding a debtor who allows the securities of his guarantors to be sold, and does not have the wherewithal to compensate his guarantors for them.**

Should a person offer guarantors on his behalf for some creditor<sup>219</sup> of his, and it then happens that the securities of the guarantors are sold, the law decrees that he who offered these guarantors is obliged to make good the value of the securities which were sold on account of him. Furthermore, should it be the case that the debtor,<sup>220</sup> that is the person who offered him as guarantor, is unable to repay him the value of his securities, the court should have the person of the debtor handed over to the guarantor, and he should keep him in his custody and at his home, or wherever else he wants, as a Christian, until he should repay him. He should neither beat him nor cause him any harm, but should feed him bread and water, should he not wish to give him something more. Should there be other guarantors, moreover, who wish to ask him for anything which they have lost on his account, he should lawfully make good all their losses.

**Article 72 (Kausler, I, lxxiii). Here the law is explained regarding those guarantors who lack the wherewithal to act as guarantors, or who have left the kingdom.**

Should it happen that a person lends part of his livelihood to another person, and that he receives guarantors in accordance with the assizes of the country, and it then hap-

218. The French text and both Greek translations read Martin, but Bernard is who is meant. See Kausler, I, 97, lxxi and note 2.

219. Both the French and the Greek texts read 'debtor' but should read creditor, as the remainder of the passage makes clear.

220. Kausler, I, lxxii, 98 has 'creditor', but should read debtor. See note 2.

pens that one of them leaves the country, that is to say goes abroad, or else that one of the guarantors does not have the wherewithal to act as a guarantor, the guarantor capable of acting as such must act as a guarantor for all of them. Should he, moreover, not have anything enabling him to act as a guarantor, he should swear upon the Gospels that he has nothing, neither above ground nor below the ground, whereby he might be able to act as a guarantor, and following this he should be lawfully absolved.

**Article 73 (Kausler, lxxiv). Here the law regarding securities is stated, and for how long they should be held prior to their sale.**

Know well that if a person is the guarantor of another person in accordance with the assizes of the country, and the debtor asks him for his security at the time of repayment and he hands it over, and he then asks the person who handed over his security to prolong the time of returning it by another fifteen days, which the guarantor does, know well that the creditor, should he wish it, can then take this security and keep it at his home for all the fifteen days, should he wish to, by law, and the guarantor has no power to force him to act otherwise. And should the debtor not repay his debt when the fifteen days have passed, the law decrees that you (i.e. the creditor) can put it up for sale and advertise it throughout the city as an abandoned security, and whoever bids the most should obtain it. It must, moreover, be advertised in this manner for three days following the expiry of the fifteen-day term, and on the third day it should be handed over in public auction to whomsoever bids the most. But know well that the creditor<sup>221</sup> cannot and should not sell the security given to him by the guarantor sooner than when the fifteenth day term has expired, as is explained above.

**Article 74 (Kausler, lxxv). Here the law is stated regarding a security which has been withdrawn from its first sale without the owner's knowledge, and which is then sold on the following day for less, who should be liable for the loss of the reduced price, and who should pay for it, the owner of the security, or the town crier.**

If a person is the guarantor of another person for 100 bezants, and the creditor asks the guarantor for his security, and the guarantor gives him a mule, and the creditor then arranges for this mule to be sold as if abandoned, that is ownerless, and he can receive 100 bezants for this mule, but having concluded the sale he revokes it and arranges for the sale to take place another day, then obtaining a price for the mule of not over 60 bezants and selling it for this much, and the creditor then approaches the guarantor and asks him for a security to make good the shortfall of the 100 bezants, but the guarantor replies 'I shall not give you any further security, for you sold my mule for the 100 bezants for which I was your guarantor, and if you then withdrew my mule from the sale, you did not do so to my knowledge, and so I do not wish to accede to your request, unless the court decides otherwise', and the creditor then responds 'It is true that I withdrew your mule from the sale, so that the debtor would

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221. The Greek text has 'guarantor' but should read creditor.

repay me my bezants, and for no other reason, and your mule was subsequently sold and I want you to repay me the 100 bezants, if the court accepts this', the law decrees that the assessors should examine the present issue and pass judgement over it, and on all similar cases, that the guarantor is thereafter absolved, since the creditor withdrew the mule from the sale, or some other security, without his knowledge of this.

**Article 75 (Kausler, lxxvi). Here the law is stated regarding deceased guarantors, those who died before whatever had been guaranteed was repaid, and to whom the creditor should turn for his due.**

Should it happen that one person lends 100 bezants to another person, and that this creditor, for the security of those bezants ...<sup>222</sup>

**(Article 77 [Kausler, I, lxxviii])**

... to act as a guarantor, the court should make him swear upon the Gospels that he has nothing either above the ground or below the ground enabling him to discharge his obligations as a guarantor, and following this he is absolved, or acquitted as is said in French, should it be the case that the creditor does not wish to keep him in his custody, as has been said above with regard to other issues. Should it be the case, however, that the creditor is subsequently able to ascertain in some manner that the guarantor does have some wherewithal whereby he can act as a guarantor, the latter's oath should in no way impede the creditor from taking the guarantor's security and from thereby securing repayment. Furthermore, the guarantor who swore upon the Gospels should be sentenced to pay the court such a fine as a faithless man would have to pay. If the debtor who nominated him as a guarantor does not wish to relieve him of this in any fashion the viscount and the court should issue instructions to the other guarantors to take as many things from him as he had relinquished to them, and even to sell part of them to absolve him. Furthermore, should it be the case that the debtor is a foreigner from outside the country, and that he should wish to depart, the creditor is well able to block his security, without making this known to the court, and to confine the person of the debtor until such time as he should make this known to the court. Furthermore, the viscount should arrange for this debtor to be brought before him in order to compel him to make good whatever he owes to the man or to the woman on account of whom they had him confined. The guarantor can do likewise to the person who nominated him as a guarantor. And should the debtor not have the wherewithal to repay him, or to relieve him of his obligations as guarantor, once he has sworn an oath in the manner stated above the court should hand him over to the guarantor. The latter, moreover, should keep him in his custody as a Christian, without harming him, until he is repaid, for this is what is right and lawful according to the assizes.<sup>223</sup>

222. Due to a page having been cut out, the end of Article 75, the whole of Article 76 and the beginning of Article 77 are missing. See Sathas *Μεσαιωνική Βιβλιοθήκη*, VI, 314, note 1.

223. Kausler, I, 105, lxxviii *om.* 'according to the assizes'.

**Article 78 (Kausler, lxxix).** Here is explained the law regarding one who is a guarantor, when he can be absolved from this obligation, and when he cannot be absolved.

Know well that if a person becomes another's guarantor for a fixed period of time, and it then happens that the guarantor quarrels with the debtor before the time has expired,<sup>224</sup> he comes to court and he summons the debtor, declaring that he wishes to be absolved, and asks the debtor to absolve him from the commitment, because he no longer wishes to act as guarantor, the law decrees that the guarantor cannot be absolved, nor can the debtor exert any pressure on him until the agreed time of repayment, should there be no other agreement between them, or should the debtor not wish to leave the country. Should he however wish to depart from the country, either by land or by sea,<sup>225</sup> it is then right that the guarantor be absolved despite the debtor<sup>226</sup> should the guarantor wish this, for this is what is lawful.

**Article 79 (Kausler, lxxx).** Here the law is explained as regards one who admits to only one half of the sum of his guarantee.

If it happens that a person has a guarantor for the sum of 20 bezants and when the time of repayment arrives the creditor asks him for his security of 20 bezants, of which he is the guarantor, and the guarantor says to him 'God forbid, for I am not your guarantor for anything other than ten bezants', the law decrees that should the claimant wish to bring forward two witnesses who saw the other party become his guarantor for 20 bezants the guarantor is liable to pay this sum. Should the claimant not have two witnesses testifying that the guarantor guaranteed 20 bezants then the guarantor should swear upon the Gospels that he is not the guarantor for anything other than ten bezants, and he should then pay them to him and be lawfully absolved.

**Article 80 (Kausler, lxxxi).** Here the law is stated as regards the force of the security taken from the guarantor.

If one person is the guarantor of another person, and the person for whom he is the guarantor wishes to take possession of his security, the guarantor should let him take it. If, moreover, the guarantor takes possession of his security forcibly and the debtor can prove through two witnesses that he is his guarantor, then the guarantor should receive an unfavourable sentence, as is passed against violent persons of the land, for if he unjustly deprived the debtor of his guarantee, the court should make him lawfully restore it. Know well, moreover, that all persons are well able to take their guarantors' security without issuing a summons in court as follows, by having two witnesses able to attest that the other party is the guarantor, for this is what is lawful.

224. Kausler, I, 105, lxxix *om.* 'before the time has expired'.

225. Kausler, I, 106, lxxix *om.* 'should he ... by sea'. See note 1 in Kausler, I, 106.

226. The Greek text wrongly has 'guarantor', but should read debtor.

**Article 81 (Kausler, lxxxii). Here the law is stated as regards who can sell the debtor's house, the guarantor or the creditor, and which sale is valid.**

If a person is the guarantor of another person, and the creditor asks for the debtor's security from his guarantor, and the guarantor then gives him the security of the debtor, that is his house which he surrendered as security, the creditor cannot take possession of it because he will not be able to sell this house. The guarantor, however, can and should be able to sell this property, and thereby be absolved of his obligation as a guarantor. Furthermore, should the guarantor wish to give his property to the creditor, the latter can take it and lawfully sell it. But should the creditor sell the security of his debtor, and should the creditor and the guarantor who gave him this security die, without any relative of the person to whom the said security belonged coming forward and asking for this security, the debtor is entitled to receive it as the rightful inheritor. Furthermore, the person who purchased the security shall lose all that he has given for it, by law, and for this reason the claimant (i.e. the creditor) must not sell the security, but only the guarantor, to whom no fear or danger is attached regarding the sale. For what is right and lawful decree this, that the guarantor should sell it and thereby be absolved from the obligation of his guarantee.

**Article 82 (Kausler, lxxxiii). Here the law is stated as regards those guarantors' securities which have been sold, and who must offer compensation for them.**

Should a person have a debtor, he cannot nominate him as a guarantor so as to absolve him, or relieve him from having to pay whatever he owes to his own creditor.<sup>227</sup> For people should know that if it be the case that the debtor allows the security of the guarantor who is his debtor to be sold, or if the securities of the guarantors are lost, then nothing will remain of the debt owed by the guarantor to his creditor which is the other part. Let him not give anything, but instead return to him all the securities and as much damage as he sustains because of the fact that his securities were sold on his account and on account of his debts, for this is what is right and lawful according to the assizes of Jerusalem.

**Article 83 (Kausler, lxxxiv). Regarding one who lends his beast to another,<sup>228</sup> who is a debtor.**

Should a person wish to do a kindness to a friend, and he does him this kindness, that is to say he lends him his beast, or allows him to ride on the front part of his beast in the saddle while he himself rides behind him, and his friend is such a person as happens to be a guarantor, or the debtor of some man or woman, and they encounter him riding the beast by himself, or with his friend, sitting in the saddle in front of him, with the friend riding behind, the law decrees that he or she to whom he has offered guarantees, or to whom he is in debt, are well able to take him off his horse so that his debt or guarantee will be repaid, for this is lawful according to the assizes. So take

<sup>227</sup> Kausler, I, 108, lxxxiii wrongly has 'debtor'. See Kausler, I, 108 note 2.

<sup>228</sup> Kausler, I, 109, lxxxiv has 'and he to whom he lends it is indebted or a guarantor to someone else, and by what means he can forfeit the animal by law'.



good care over whom you honour and whom you does good to, that he be such a person as will not cause you loss by law. For you should know that it is a well-established fact that the beast is his once he is riding in front of you and you behind him.

**Article 84 (Kausler, lxxxv-lxxxvi).** Here you shall hear the law regarding men and women working for a monthly wage for other people, and regarding those articles that men and women assign to others for a fee, what should be had and given, and how it should be obtained. This foreword is legal and grammatical (i.e. in Latin).<sup>229</sup> In it is explained the law on servants, what powers a master has over his servant, and a servant over his master.

If a man or a woman maintain a manservant, or a female servant called a chambermaid for a fixed period of time, the so-called term, the law decrees that the master or mistress maintaining him has such power over him that any time he wishes he can dismiss the servant or the chambermaid in his keep, on condition that he pays him for as long as he has worked, for otherwise the dismissal is not valid.<sup>230</sup> The servant or the chambermaid, however, cannot depart from their master, or from their mistress, until their appointed time, should their master or mistress not wish them to. Yet should it be the case that the servant or the chambermaid who has taken up residence with a master or mistress wishes to go abroad, the law decrees that the master or mistress maintaining them are obliged to let them go, since they wish to go abroad, and are obliged to pay them for as long as they have worked for him (or her). But should they not wish to go abroad, their master or mistress are not obliged to dismiss them, should they not wish to, until the appointed time. Should the servant or chambermaid, moreover, leave without obtaining their permission, they should first be convicted of perjury, because they broke their oath, and should then lose all the wages they received for their work. Furthermore, should they be found working for someone else within the kingdom, then the man or woman who broke their oath should have their hand pierced with a red hot iron, or else should promise their master or mistress to work up until the appointed time, this is to say from the day they left up until the day their term of employment is ended.<sup>231</sup> For since they departed without their master's consent, and without their appointed time having passed,<sup>232</sup> first of all they denied God, and then they broke their oath, for this is what the law decrees.<sup>233</sup>

**Article 85 (Kausler, lxxxvii).** Here you will hear the law regarding the servant or the chambermaid kept in employment for wages, when they find something, and to whom this find should belong, whether to the servant or to the master of the person who is in his employment.

Should a person maintain a servant or a chambermaid in his employment, and it then happens that the servant or the chambermaid find something, the law decrees that the

229. For the Latin text, see Kausler, I, 110, lxxxv.

230. Kausler, I, 111, lxxxvi *om.* 'for otherwise ... valid'.

231. Kausler, I, 111, lxxxvi *om.* 'this is to say ... is ended'.

232. Kausler, I, 111, lxxxvi *om.* 'for since ... having passed'.

233. Kausler, I, 111, lxxxvi *om.* 'for this is what the law decrees'.

master should have one half and the servant the other half of the find.<sup>234</sup> Should it happen, moreover, that the servant or the chamberlain leave the country with their master or mistress and earn anything through a trade which they know, or through other means,<sup>235</sup> their master or mistress are lawfully entitled to one half of anything they might gain.

**Article 86 (Kausler, lxxxviii). Here the law is stated as regards a servant or chambermaid who steal something belonging to their master, and then leave.**

If it happens that a person has employed a servant or a chambermaid, and that this servant or chambermaid, departing from the house without making this known to his master or mistress takes something belonging to either his master or his mistress, and his master or mistress then find what they have lost on some other man or woman, the law decrees that the master or mistress of this servant or chambermaid who have committed this misdeed should lawfully recover what is theirs in the following manner. He should swear upon the Gospels that he neither sold this article, nor gave it away, but had it stolen from him, as he had stated, by his servant or his chambermaid, and he can take it back in this manner.<sup>236</sup> Furthermore, those who suffered the loss can have them accused of theft,<sup>237</sup> and if the person who stole it can be found, his person should be subjected to such a sentence as is in accordance with the value of the stolen article. For this is what is right and lawful according to the assizes of Jerusalem.

**Article 87 (Kausler, lxxxix). Here you shall hear the law regarding a servant or chambermaid who lose an article belonging to their master.**

Should it happen that a person has a servant or a chambermaid, and that this servant or chambermaid lose some article which they had in their care, from among those things belonging to their master or mistress, the law decrees that they should make good its loss, that is to say they should pay for all the things which they lose, or hand over the price of these things, for this is what is lawful.

**Article 88 (Kausler, xc). Here the law is explained regarding one who beats his servant, or his chambermaid.**

If a man becomes angry with his servant, or with his chambermaid and deals him a blow, and then the servant or the chambermaid bring accusations before the court, according to the assizes, the law decrees that they cannot have recourse to the law over this blow. But should their master or mistress beat them badly, or have their servant or chambermaid beaten to excess, or have an open wound inflicted upon them, and should the servants then bring charges before the court, the assizes and the

234. Kausler, I, 112, lxxxvii *om.* 'and the servant ... find'.

235. Kausler, I, 112, lxxxvii *om.* 'through a trade ... other means'.

236. Kausler, I, 113, lxxxviii has 'and he can demand from the thief, if he wishes, that which has been lost'.

237. Kausler, I, 113, lxxxviii *om.* 'Furthermore ... of theft'.

law decree that they have good entitlement, such as a stranger would have, as is stated by what is right and by the law.<sup>238</sup>

**Article 89 (Kausler, xci). Here the law is stated regarding a tailor who sews clothes for people and departs with all that he has sewn, and likewise as regards all others who contract work.**

If certain people give their clothes to a tailor for sewing, or for tailoring, or should they give their cotton threads to a clothier for fashioning into sheets, or else give anything else to some contractor so that he can work on them, and the craftsman then takes these things and leaves, following which the person giving his things finds them in someone else's hands, the law decrees that he can take back what is his in the following manner. He should swear upon the Gospels that he neither lent this article, nor sold it, nor gave it away, nor pledged it, but gave his clothes, or his sheets, or whatever was his<sup>239</sup> to be worked on, as is stated above, and thereby should recover his article in full. The assizes, furthermore, decree that should the contractor have put any work into fashioning whatever belonged to the client, so that the latter owes him his skills, it is right that the person who lost his article should be granted all that he owes for this cloth.

**Article 90 (Kausler, xcii). Here the law is explained regarding one who rents a house, and when the man or woman who rented it can depart from it.**

Should it happen that a man rents his house to another man, or to a woman, for a definite period of time, the law decrees that once the owner of the house has rented it for a fixed period, he cannot thereafter evict his tenant until the period of time agreed on has expired. Nor can the man or woman renting the house depart from it until the expiry of this period. Should the tenant, moreover, wish to depart, he has to pay the landlord the rent in full for the whole period he agreed to rent it for, even if he only remained in the house for one day, unless the landlord himself wishes to let him leave. Likewise should the landlord evict him from the house before the agreed period of time has expired, even if he resided in the house for nearly the whole period and only two days remained for him to complete it, with the tenant owing the landlord rent for a whole year, he need pay the landlord nothing because the latter evicted him. Should he moreover have given him anything, the latter must return it<sup>240</sup> according to the assizes.

**More concerning the same (Kausler, xciii).**

Likewise, should a person rent his house to another man or to a woman for one year, and should the man or woman renting the house be an evildoer, who was judged and

238. Kausler, I, 114, xc *om.* 'as is stated ... the law'.

239. Kausler, I, 115, xci *om.* 'or whatever was his'.

240. Kausler, I, xcii, 116 *add.* 'by law and'.

sentenced to be exiled from the city, or whom the king had had dismissed<sup>241</sup> from the confines of the city, as regards such people it has been legislated in the assizes that they should not pay other than for as long as they have dwelt in the house, and nothing more. For truly were one to rent his house to a woman, and that woman happened to be a hussy and an evil woman, or a bad man, of ill repute and keeping bad company, it is good and right for me to evict him from my residence before his rental term has expired. He should pay, moreover, for as long as he has resided in the house, for it is not right for such people to live among good people, but only in communal dwelling places where it is legally ordained that such people should dwell.

**Article 91 (Kausler, xciv). Here the law is stated regarding one who does not wish to pay the rent for the house, and the means the landlord can have recourse to to obtain payment.**

Know well that if it be the case that a person rents his house to another man or woman, and he or she do not wish to pay the rent of the house which they have rented, the law decrees that the landlord can lock his house with all the articles which happen to be in the house and can sell them, to the knowledge of the viscount and of the man or woman to whom these things belong, if this is what he wishes, and can thereby obtain payment for all that he is owed for the rent of his house. Furthermore, should he be unable to secure repayment by selling the things found in the house, the law decrees that he can lawfully have recourse to the man or woman who rented the house, and they must pay him the outstanding amount by law.

**Article 92 (Kausler, xcv). Here you will hear the law regarding one who hires out his beast to someone else when it dies while being taken along the road, and who is liable for the damages.**

If it happens that a person hires out his beast to another person, and that the person who has hired this beast drives it along, conducts it in the normal manner, and yet it dies, he should be absolved from responsibility in this manner. He should swear upon the Gospels that he neither drove the animal to excess nor engineered anything to cause its death, and in this fashion he can absolve himself. Should it be the case, however, that the person who hired the beast drove it along a distance greater than that agreed on, or should he have engineered some cause whereby the animal died, or suffered injury, the law decrees that he should lawfully offer payment for the animal to the person from whom he hired it, should the owner of the animal be able to show with two witnesses that he drove the animal along for a distance greater than he should have, or if he overburdened it, on account of which the beast died or suffered injury. Furthermore, should he not wish to pay him in cash, that is to say in specie, he is obliged to return him an animal like the one he owned, according to justice and according to the assizes.

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241. The words 'had dismissed' are illegible in the Greek text. See Sathas, *Μεσαιωνική Βιβλιοθήκη*, VI, 323 line 23 and Kausler, I, 116, xciii.

**Article 93 (Kausler, xcvi). Here the law is stated regarding the camel-driver whose camels collapse and cause damages when he hires them out.**

If a camel-driver hires out his camels for the transportation of wine or oil, or of some other commodity, and it happens that the camels collapse and that their load suffers some damage, the camel-driver himself should not pay anything.<sup>242</sup> Should it happen, however, that the ropes of the saddle of the camel break, the law decrees that the camel-driver must pay for the damages.<sup>243</sup> Should the owner of the load, moreover, be able to prove with two witnesses prepared to offer testimony that the camel collapsed through the camel-driver's own fault, or on account of his incompetent supervision, then the camel-driver is lawfully obliged to offer payment for all the damages to the person to whom the goods lost, or damaged, or broken belonged.

**Article 94 (Kausler, xcvi). Here the law is stated regarding a hired animal that has dropped dead in the street, and as regards who should be liable for the damages, whether this should be the person who hired it out, or the person who rode it in the street.**

Should a person hire out his animal, to whomsoever it might be, and the animal drops dead in the street, the law decrees that once it has collapsed it should not be taken out of the first town in which Christians are found, but should be left there. Another animal, moreover, should be hired in place of the one that collapsed. Furthermore, if the person who hired the animal that collapsed just outside the first Christian homestead he found [was unlucky] and it died there, he must lawfully pay whatever it was worth when he hired it.

**Article 95 (Kausler, xcvi). Here the law is stated regarding one who has hired the animal of another, and who has administered some medicament to it causing its death, and on whom the liability falls.**

Should it happen that a man or a woman hire the horse of another and it then collapses in the street, or is afflicted by some malady, and the borrower who has hired it administers a cure, whereupon the animal dies or is maimed, the law decrees that the person who hired the animal is lawfully obliged to offer payment. For no person should take it upon himself to cure the animal of another on account of any wound which it might sustain without first securing the permission of the person owning the animal.

**Article 96 (Kausler, xcix). Here is explained the law regarding one who hires the animal of another, and who having hired it then sells it, or offers it as a security, or has it taken from him on account of a debt which he owes someone.**

If it happens that a man hires out his animal to another man, or to some woman, and the person hiring the animal sells it, or offers it as a security, or has it taken from him on account of some debt which he owes, the law decrees that the man or woman own-

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242. Kausler, I, 119, xcvi *add.* 'by law'.

243. Kausler, I, 119 xcvi, *add.* 'by law'.

ing the animal should take back his animal from whoever in the kingdom is holding it in the following manner. He should appear before the viscount or *bailli* of the country in which his animal was found, and should bring forward two witnesses prepared to act as witnesses, that is to swear on the Gospels that the animal is indeed his. The man or the woman owning the animal should in turn swear upon the Gospels that he neither sold the animal, nor gave it away, nor offered it as security, but instead hired it out in the manner described above. After this let him take back his animal without any encumbrance, by law and according to the assizes.

**Article 97 (Kausler, c). Here the law is stated regarding those persons who let their houses, or their fields or their orchards, in return for rent.**

Should it happen that a person lets his house or his land or his orchard to another in return for rent and in accordance with the assizes of the land, the person receiving the rental property can return this rental property at any time he wishes, so long as he pays the owner for the length of time the property was in his possession, unless there existed some other agreement between them, and so long as the tenant takes no greater portion of the produce than what he is entitled to. If, for instance, he is renting a vineyard, or an orchard, and it comes about that he collects all the fruit and then returns it, he is not entitled to do this, but should leave behind him as much fruit and some more besides as he had found in the orchard or the vineyard, for as long as he had held it. He should indeed leave behind much more than he found, for it is customary for fruit-bearing trees to increase in their fruit (i.e. with the passage of time), unless there was some other agreement between them. For you should know well that all agreements which people conclude among themselves should be maintained, so long as such agreements are not contrary to the law or to good practice, for such agreements have greater force than law.

**Article 98 (Kausler, ci). Here the law is stated regarding one who rents something belonging to another, and who does not wish to pay this rent, and what the owner of the article should have recourse to.**

If it happens that a person leases out his house or his orchard for a certain period of time, and it comes about that the man or woman owning the property demand rent from the man or woman who have leased it, and the latter says that he has nothing to give because he has repaid him, then the court must examine in this regard whether the person stating that he has paid the owner of the rental property has two witnesses able to act as witnesses and state that they saw him offer payment, and in this manner he can be acquitted. Should the leaseholder not have two such witnesses, then the man or woman owning the rental property should swear upon the Gospels that they have received no payment, and in this manner they can lawfully be paid the rent due on their rental property.

**Article 99 (Kausler, cii). Here the law is stated regarding one who has leased the property of another, but who does not wish to pay the leasehold, as well as regarding instances where the owner of the leasehold property has leased it out and spent something on it during the term of the lease, and who is lawfully obliged to pay for this expenditure.**

If it happens that a man or a woman rent their house or their orchard for a fixed peri-



od of time, and it then happens that the owner of the garden<sup>244</sup> demands rent from the man or the woman who has leased it, and he or she do not wish to pay him for their leasehold, the law decrees that the owner of the leasehold property is well able to take possession of his orchard, or of his house or vineyard, until such time as he is paid. Should it happen, moreover, that the owner of the rental property has undertaken some expense on it during the time it was seized which could not be avoided, such as re-roofing the house because it was suffering from flooding on account of being uncovered, and this was not something which need not have been done, or had turned over the soil in his orchard which would have been flooded had it not been done at the proper time, should the tenant then wish to take possession of the house or the orchard and pay the rent due, the law decrees that he is obliged to pay all the expenses undertaken by the owner of the rental property.

Should the owner, however, have let a year and a day pass by without having received any rent from the tenant in possession of it, the law decrees that he should lawfully lose the property on which he received rent, unless there existed some other agreement between them, or unless he paid him within a year and a day. For then he is well able afterwards to take back his property, by law and according to the assizes of Jerusalem.

**Article 100 (Kausler, ciii-civ).** Since you have heard the facts regarding the other laws, it is right for you to hear the law on things given in trust. This chapter is a law written in Latin.<sup>245</sup> Here the law is stated regarding valuables handed by one person to another, when such valuables are lost.

Should it happen that a man or a woman surrender what is theirs to another person, and that the man or woman who have taken the valuables in question in their care lose them by some manner, the law decrees that they are bound to repay the full value of the lost article to the man or woman who placed it in their care. But should they have come to an agreement on taking the valuables into their care, that should these things be lost, or be stolen, or should their house collapse or be taken from them, they would be acquitted, it is lawful that should they then lose it under any of the circumstances explained above, they be acquitted by law and on account of these circumstances and the agreement as are explained above.

**Article 101 (Kausler, cv).** Here the law is stated regarding one who hands over what is his,<sup>246</sup> or some locked strongbox, and then finds it open.

A man called Renaud<sup>247</sup> or Martin hands over to a hotelier a money belt, or a locket of the type fashioned in Western Europe,<sup>248</sup> such as a locked strongbox, and Renaud

244. Kausler, I, 123, cii *add.* 'or of the house'.

245. For the Latin text see Kausler, I, 124-125, ciii.

246. Kausler, I, 126, cv *om.* 'what is his'.

247. The Greek text has 'Bernard', but should read Renaud, as the name is given further down. See also Kausler, I, 126, cv.

248. Kausler, I, 126, cv *om.* 'of the type ... Europe'.

states that it contains 100 bezants. The hotelier thereupon places the belt in his safe, and then Renaud returns and asks the hotelier for his belt. The hotelier returns it to him, and Renaud examines the belt, or his strongbox or briefcase, and finds it broken, finding no more than 50 of his 100 bezants. Renaud then shows to the hotelier that the key to his belt or strongbox is broken, and that out of the 100 bezants he finds only 50, and the hotelier replies to him 'My good friend, I know nothing of all this, other than the fact that your belt is open, and that I placed it in the safe in the manner in which you gave it to me'. Renaud replies 'I gave you my money-belt locked up, but I found it open, and half my money has been taken. Therefore I want you to give me back the money that is missing, and let the court acknowledge this if it is lawful'. The assessors should ascertain as regards the above charges whether Renaud has two witnesses ready to offer testimony that they saw him hand over the money-belt locked, and that they heard him tell the hotelier that the belt had 100 bezants in it, without the hotelier contradicting him<sup>249</sup> regarding the bezants. The hotelier should then make good the missing bezants, by law and according to the assizes. Should the claimant not have the witnesses, the hotelier should swear upon the Gospels that he neither opened the article, nor took anything, nor reduced the amount of money, nor had another do so on his behalf, but that he returned it in the same condition as it was when given to him, and in this manner he is released, or acquitted as is said.<sup>250</sup>

**Article 102 (Kausler, cvi). Here the law is stated regarding things one person delivers to another.**

If it happens that a person approaches his hotelier and says to him 'give me back the 20 bezants which I surrendered to you when I went to Jerusalem, or to some other place overseas' and the hotelier replies 'God forbid that you ever left anything with me', should the allegation from here proceed to the courts, the assessors should pass judgement regarding this issue that should the person asking for the bezants have two witnesses ready to swear upon the Gospels that they saw him hand over these 20 bezants, without taking them back again, the hotelier should lawfully return the 20 bezants. Should it happen, moreover, that the person asking for the 20 bezants does not have witnesses, the law decrees that the hotelier should swear upon the Gospels that he did not leave those bezants with him, that he has sworn this upon the Gospels and so help him God, and thereby let him be released by law. For this reason you should watch to whom you give what is yours, that he be such a person as will not cause you loss.

**Article 103 (Kausler, I, cvii). Here the law is explained as regards two persons who deliver their innkeeper or hotelier some valuables, and when the hotel-keeper is obliged to repay them regarding this delivery.**

Should it happen that two persons simultaneously hand over 100 bezants to their hotelier, and then go off, and then, after a long period of time, one of them returns

249. The Greek text wrongly has 'comparison'. See Kausler, I, 126, cv.

250. Kausler, I, 126, cv *add.* 'by law'.

and asks the hotelier for the 100 bezants, the law decrees that the hotelier must in no way be put under any pressure to return anything should both of them [not return] together, unless they had stated when handing the money over that should one return before the other, he could take the bezants. For should this have been the agreement, he should return them to whoever should ask for them. But should the person leaving the bezants with the hotelier wish to make sure that no person should ask for any part of this money, nor should the hotelier hand it over, let him not release him [of his obligation]. [Otherwise] It is right if someone asks for the bezants so as to release him that he hands them over. Should it, however, be the case that none of the above agreements existed, and that the hotelier gave the bezants to one but not to the other, who later came back and demanded these bezants, it is right for the hotelier to make good his loss for up to the sum of 50 bezants, because he had handed over the money to the one but not to the other.

**Article 104 (Kausler, cviii-cix).** Here the law is stated as regards the associations people form among themselves to begin a [commercial] voyage. This law is written in Latin.<sup>251</sup>

Therein is explained the law regarding associations which people form among themselves.

All persons can enter into an association together if they wish, as when one of the partners invests 100 bezants and the other two invest no more than 50 bezants, and it should be valid in accordance with the order that they have instituted, with the profits being distributed accordingly. People can even enter into association in another manner, inasmuch as one of the partners can invest 50 bezants in this association, and another can commit his person and his labour instead of bezants, this association also being valid. People can enter into association in yet another manner, as when they come to an agreement among themselves as follows. One partner may have a portion of the profit, yet not be liable to pay any part of the loss, or one of the partners may have four parts of the profit and another may have a share of one fifth, and this agreement can also be considered valid, as can all agreements which are not against the law, or against good customs and good practices, as has been stated above in the previous judgements. The association, moreover, can endure should its members wish it for up to ten years, or up to five years, or even for simply one year, and this association cannot be dissolved until the time of the termination date which is stipulated. Furthermore, should it happen that one of the partners wishes to be dissociated, to depart from the association against the will of the other partners, without the partnership having committed any irregularity at his expense and prior to the termination date agreed among them, the law decrees that he cannot do so prior to the termination date. Should he depart from it, moreover, and should his partners suffer some loss on account of his departure, it is lawful for him to be obliged to make good the damage sustained by the other partners, and which they sustained on account of his departure.

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251. For the Latin text see Kausler, I, 129, cviii.

Furthermore, should it happen that one of the partners takes part of the assets of the association, such as a loan, or on account of straitened circumstances and because he has nowhere else to turn to, the law decrees that he must return to his partners whatever portion of the assets he might take with as much as the bezants of the other members of the association yield in profit. Furthermore, it is right and proper for the association to suffer dissolution at any time at which the partners desire this, or should the termination date arrive, or should one of the partners be a bad person, or should he bring harm upon the association in some matter, or should he be such a person as has a bad reputation. In all these ways, as stated above, people can enter into associations and have them dissolved, by law and according to the assizes.

**Article 105 (Kausler, cx). Here the law is stated as regards a partner who causes harm to the association.**

If it happens that two people enter into partnership together after the manner practised by traders, and it comes to pass that they take an oath upon the Gospels on coming together to tread a path of good faith in their association, and it then happens that they have some dispute among themselves, such as due to a breach of faith over some assets of the association and the aggrieved partner demands an oath from the one who has broken faith with him, the law decrees that the latter is not obliged to take any oath other than his initial one, should he not wish to. Should it happen, however, that the aggrieved partner can prove with two witnesses, who can testify in the manner stated above in the other cases, that he indeed brought harm upon the association, he is obliged first of all to make good this harm, to the degree to which the other partner suffered loss on account of the damage he had caused. But should he not be convicted by two witnesses the accused partner can say 'By the oath I have taken I have not done that which would break faith with him', and he is thereby released.

If indeed the partners did not swear upon the Gospels at the commencement of the association, it is right for the partner accused of faithlessness to take such an oath. Furthermore, should it happen that this partner is held and proven guilty by two witnesses, that he brought harm upon the association, and he then made it good to the other partner as stated above, he must then pay a fine to the ruler to the same amount as a faithless man convicted of perjury should give, and he should lose the right of audience in court, and his testimony should never be given credence as regards anything he might say, according to justice and according to the Assizes of the Kingdom of Jerusalem.

**Article 106 (Kausler, cxii). Here you will hear the law regarding agreements that people reach among themselves, which agreements are valid and which ones are not valid.<sup>252</sup>**

If it happens that a man or a woman appears before the court in order to bring a claim, and says 'Sir, I accuse before you this here person who agreed with me to build my

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252. The Greek text omits Kausler, I, 133, cxi which gives the relevant law in Latin.

house, or to cut my cloth, or to do this for some other matter<sup>253</sup>, and the other party then says 'God forbid! [that this be so]', the law decrees that should the person bringing the claim have two witnesses ready to testify that the defendant indeed came to such an agreement, the latter is lawfully obliged to fulfil it. Should he not have witnesses that the defendant had agreed upon that over which he is accused, he can secure an acquittal by taking an oath, that is to say by swearing on the Gospels that he never agreed to do what the claimant required, and he can thereby secure his release by law. Let the agreement, moreover, be clear to the degree allowing it to be brought to court, otherwise it cannot be given a hearing.

**Article 107 (Kausler, cxiii). Here the law is stated as regards a person who comes to an agreement with another to do evil.**

Should it happen that a person comes to an agreement with another person to kill the latter's enemy or his neighbour, or to cut down his vineyard or his orchard, to do some other evil deed against him, know well that he is in no way obliged to do evil on account of this agreement, should he not wish to do so. Even if it be the case that he has received money to commit this deed, he need not give this money back should he not wish to, because the other party gave it to him for committing evil. Furthermore, should he have done the evil deed, and so have fulfilled the agreement, but has not yet been paid, and instead the other party owes him the money since the evil deed has been committed, should he subsequently be unwilling to pay the perpetrator, he is not obliged to pay him, should he not want to.

**Article 108 (Kausler, cxiv). Here the law is stated regarding one who enters into an agreement to do harm and implements it.**

Likewise should it happen that a man reaches an agreement with another man,<sup>254</sup> or with a woman, either for love, or for gain, or for some other evil work, and does what he has agreed to do, and is then caught while doing this evil act, or has been convicted by witnesses who saw him do it, or else confessed it in court of his own free will, or because he underwent ordeal by water or some other form of coercion,<sup>255</sup> which he could be lawfully subjected to, and so confessed the evil deed in full and named the person who told him to do it, the law decrees that if he committed murder then both the perpetrator of the murder and the person instigating it should be hanged, and all that they have should be given to the ruler of the country. Should the offence not be murder then they should be fined in proportion to the seriousness of the offence. It is, moreover, truly right and lawful for both of them to be subjected to punishment together, for the instigator of the crime is sinful to the same degree as the perpetrator of it.

253. The Greek text wrongly has 'fabric'. See Kausler, I, 133, cxii.

254. From this point onwards Kausler, I, 134, cxiv has the words 'to kill a man or a woman ...'.

255. For the use of the ordeal to extract a confession in other parts of Latin Europe as well as Cyprus see Bartlett, *Trial by Fire and Water*, pp. 74-75 and 143.

**Article 109 (Kausler, cxv). Here you will hear what matter should be made public by oath before it goes to court.**

Should one man bring accusations against another man over some agreement he had reached with him, and he has two witnesses who testify that what he seeks happened, then the defendant is lawfully obliged to give him whatever had been agreed on. If the claimant does not have witnesses then the defendant should be given credence despite any agreement by taking an oath. Any undertaking, however, should be made public by the taking of an oath before it is promised, as is made clear by the following example. If you sold me a horse of yours, and told me that it was good and strong, and came to an agreement with me that it had no impediment or wound, and I then found it to be wounded and I said to you<sup>256</sup> 'return my bezants', and he replies<sup>257</sup> 'God forbid that I ever came to an agreement with you!' this agreement and all others like it should indeed be made under oath, so as to be made truly public.

**Article 110 (Kausler, cxvi-cxvii). Since you have heard about the other laws, it is lawful for you to hear the issues regarding which the court designates a day to the claimants.<sup>258</sup>**

Know well that the days designated by the court to the claimants are given lawfully and on compassionate grounds, and so that the men or women who are defendants can be motivated to reach a compromise regarding their accusations, or to be guided to submit them to the judgement of the court. And for this reason the claimants should come to court on the day designated for them. Furthermore, should the claimants not come on their day, know well that they lose their case, unless they have a good reason for having not been able to come.

**Article 111 (Kausler, cxviii). Here the law is explained regarding someone who is due to appear in court, who does not arrive on his day, and what fine he has to pay the court.**

Know well that no court appointment made for two people is of any value unless it has been made in the presence of both parties, that is to say that of both the claimant and the defendant, or the accused. Should the viscount give an appointment to two persons without each being in the presence of the other, and one of these two who has been given the appointment does not come on his day, the law decrees that he loses nothing other than 7.5 *sous*.<sup>259</sup> But should it be the case that the court granted him an appointment, that is to say it granted both of them together an appointment in each other's presence, and they do not appear in court on the designated day, neither party loses anything with respect to the other, except for the fact that each of them

256. The Greek text omits the words 'and I said to you'.

257. Both the Greek and the French text (Kausler, I, 136, cxiv) have the third person singular.

258. The Greek text here and in the first line wrongly has 'defendants'. See Kausler, I, 136, cxvi-cxvii. The Latin headings of Kausler, I, cxvi-cxvii and the Latin text of Kausler, I, cxvi are omitted in the Greek text.

259. For the reasons and circumstances under which this fine was levied, see Prawer, 'Crusader Penal Law and its European Antecedents', pp. 412-429.



must pay the court 7.5 *sous*, that is to say fractions of 12,<sup>260</sup> by law and according to the Assizes of the Kingdom of Jerusalem. Furthermore, should it be the case that both men who are on trial are burgesses from the town, and have both been given a designated day, the burgess who does not appear on his day before the court adjourns will lose his day and his case.

**Article 112 (Kausler, cxix).** Here the law is stated regarding a person who is not from the town and has been given a day for appearing in court, and who does not come upon his day.

Should it happen that a person who is not from the town has a court case with a person from the town,<sup>261</sup> and has been designated a fixed day but does not appear on his day before the sun goes down, the law decrees that he has not lost his day because he was not from the town. But should he have been from the town and not come on the day designated for him before the court adjourned, then he would lose his case unless he had a good reason on account of which he was delayed and not able to come. For if he did have a good reason on account of which he was not able to come upon the day given to him, the law and justice decree that he should not lose his case on account of this, but should be granted an audience as though he had appeared on the day given to him.

**Article 113 (Kausler, cxx).** Here the law is stated regarding one who is unable to appear on the day given to him, and regarding the oath taken by the servant on behalf of the person who has given back his day on account of not being able to come.

If it happens that a foreign person has been given a day for appearing in court, and it so happens that he begins his journey for appearing on the day given to him but finds a torrent before him so great, and which happens to be between him and the town to which he wishes to journey, that he cannot ford it, the law decrees that he should call out to those who are on the opposite bank of the river 'Be witnesses my lords that I am unable to pass!'. If he can prove with two witnesses after this that he was unable to ford the river, he does not lose his case on account of this, because he was indeed unable to ford it. Afterwards, however, he should appear before the court, but only if he can ford the river, and he should explain the reason for his delay in the presence of the viscount and of the assessors. This law likewise applies should some mishap befall him while he is journeying to the place where he is expected, or should he be seized on the highway by Muslims.<sup>262</sup> Likewise should the following happen, that a person is due to appear in court but cannot come on the day given to him for some reason he should then return his day and make known to the court the obstacle pre-

260. Kausler, I, 138, cxviii *om.* 'fractions of 12'.

261. Kausler, I, 138, cxix *om.* 'with a person from the town', and instead has 'against someone'.

262. This sentence clearly refers to conditions in the Latin kingdom of Jerusalem, where roads were infested by Muslim highwaymen. See M. Barber *The New Knighthood: A History of the Order of the Temple* (Cambridge, 1994), pp. 3-6.

venting him from appearing one day before the day given to him, and his messenger should state the following before the *bailli* of the court. 'My lord, my master greets you and returns to you the day which you have granted him, like a person who is sick and is not able to come upon his day, and as regards this I am ready to make this known to the court, that my lord is indeed in such a condition as I have explained'. The court should then ascertain that if the person's opponent in court is to accept the oath of the servant that his master is indeed in the condition stated by the servant that the servant should then take the oath. If, moreover, he takes this oath, know well that when his lord appears in court he should take no oath before anyone, neither before the court, nor before his opponent, given that his messenger has taken the oath on his behalf, for this is what is lawful. If, however, his servant has not taken the oath, the law decrees that he himself should swear under oath that he was not able to come to court on the day that was designated for him. Know well, however, that if he did not return this day to the court one day beforehand, no other return of the day can be regarded as valid.

**Article 114 (Kausler, cxxi). Here you shall hear when the claimant loses his case, and when the defendant can gain it.**

Should it happen that one person summons another to court, and that the defendant asks the court for a day in which to offer his defence, the court must give both of them together a fixed day within a period of 15 days. Should it happen, moreover, that the claimant does not come to court on the day given to him, but that the defendant appears, the person appearing should gain all that he has been summoned for, while the person not appearing on his day lawfully loses his case according to the law. But if the person not appearing on the day given to him has returned this day, in the manner explained above, the person who appeared on the given day for this case has gained nothing, nor has the person who did not appear lost anything.

**Article 115 (Kausler, cxxii). Here the law is stated regarding an open wound, and whether the person inflicting it should be designated a day by the court or not.**

If it happens that a man brings a claim against another man on account of sustaining an open wound or on account of a head wound, and that the person who is summoned asks the court to give him a fixed day, the court must not give him one if the wound presents a danger, but should put him in custody and guard him carefully until it can ascertain what will happen to the wounded man. Should it learn, moreover, from the court doctor that this wound presents no danger then the viscount and the assessors can nominate trustworthy guarantors from among those who state that the assailant inflicted the wound, and the court should then give him a fixed day on which to appear and give an account of the matter. Following this, when he appears upon his day, should they not reach an accord, and should he be proven guilty by witnesses or by some other manner, so that it is truly ascertained that it was he who inflicted the blow whereby the claimant was wounded on one of his limbs, the law decrees that the assailant's fist should be cut off. He should then, moreover, be paraded around the town and be exiled from it, for this is what is lawful and right according to the assizes.

**Article 116 (Kausler, cxxiii).** Here the law is stated regarding one who summons another person to court, and who has received a fixed day<sup>263</sup> without declaring the reason for which he has summoned the other person, and what law should be applied.

If it happens that a person comes to court and summons another person without declaring what he is summoning him over, and obtains a fixed day from the court, and then the claimant appears on the day assigned to him, while the defendant does not turn up. The law decrees that in such cases the claimant has not gained anything, nor has the defendant who did not appear lost anything as regards his case, other than having to pay 7.5 *sous* to the court on account of not having turned up on the day assigned to him. Should the claimant, however, have specified the charges he was bringing, then the person not<sup>264</sup> appearing on the day assigned to him should by law be parted from all which the other party claimed, unless the other party had returned the day assigned to him beforehand, in the manner written above in the other judgments. This, moreover, is what is lawful according to the assizes of the country.

**Article 117 (Kausler, cxxiv).** Here the law is stated regarding a guarantor who guarantees before the court that someone else will appear on the day assigned to him, and the person so guaranteed does not appear on that day, and what liability the guarantor has with respect to the person he has guaranteed.<sup>265</sup>

Know well that if<sup>266</sup> a person summons another person to court over some valuables which the latter owes him, and specifies how much he owes him, and the defendant has been assigned a day and has nominated a guarantor so as to come on the day assigned to him and render justice, and it then happens that the latter does not appear on the day assigned to him by the court, the law decrees that the court should compel the guarantors to pay the whole sum, as much as they had guaranteed the defendant for. For this is what is lawful and just according to the assizes should the defendant not be able to show good cause for not being able to appear in court on that day. Should it happen, moreover, that his guarantor appears in court before justice and says 'Sir, you see that I was wrong to guarantee the person whom I brought you, for I wish to stay uninvolved, so hand him over to the claimant who is asking for my goods, for I have found nothing upon him to take', the law and justice decree that neither the viscount nor the court should in any manner do what he asks. Instead the guarantor is lawfully obliged to pay as much as the defendant owes to the person who summoned him to court.

Furthermore, should he have paid, and should he wish to summon to court the person whom he had guaranteed, the court is obliged to compel that person to pay his

263. The Greek text wrongly has the negative 'not' in front of the word 'fixed'. See Kausler, I, 142, cxxiii.

264. The Greek text wrongly omits 'not'. See Kausler, I, 143, cxxiii.

265. Kausler, I, 143, cxxiv concludes the sentence with the words 'and in which court the guarantor must act for the person whom he has guaranteed'.

266. The Greek text wrongly omits 'if'. See Kausler, I, cxxiv, 143.

guarantor. Should it happen, moreover, that the defendant has nothing he should be placed in custody until he pays, or until he fulfils the wishes of the person he guaranteed. Furthermore, should he remain in custody for more than seven days, the law decrees that from seven days onwards the person on account of whom he has been placed in custody is obliged to give him bread and water at the very least for his sustenance, should he not wish to give him anything more. He is not, however, obliged to give him anything before the seven days have passed, unless he wants to, according to the law and the assizes.

**Article 118 (Kausler, cxxv). Here are stated the laws and rights which all people have before the viscount concerning claims brought to him.**

If it happens that one person summons another person before the viscount, and the person summoned appears before the viscount and is assigned a day by him, and the viscount then allows him to leave and he departs from his presence without first having secured guarantors from him, and it then comes to pass that the person summoned goes away after this, the law decrees that the viscount is obliged to have this person brought back, or else<sup>267</sup> to pay as much as the claimant had summoned him for, or to do whatever is required for the accused to be found and brought to court, and to render satisfaction to the claimant, for this is what is right and lawful according to the assizes.

**Article 119 (Kausler, cxxvi). Here the law is stated regarding men of the cloth, the so-called religious, who bring claims before the court<sup>268</sup> in instances where they are vanquished and their superior declares that he does not wish to be bound by what has happened regarding his brother in court.**

If it happens that a man who is of the cloth, and who is the master or commander of some house, receives a fixed day for the accusation he has brought before the court, and it then happens that he does not appear on the day that was assigned to him, he has lost his case.<sup>269</sup> For should he not lose his case as any other man would, then no claim regarding men of religion could be made good from then onwards. This applies even if the following is the case, where the grand master might wish to say that this day was taken by their brother who was the commander of their village or of their house, or that in any case the brother summoned to court did not appear on his day on the master's orders 'And so he did not take this day on account of our orders, or because I who was the grand master ordered him not to go upon that day, or I sent him outside on some other business, or told him to come out there where I happened to be, and I do not want the rights of the house to be lost on account of this'.<sup>270</sup> All

267. Kausler, I, 144-145, cxxv *om.* 'to have ... or else'.

268. The court in this case being the secular, not the ecclesiastical court.

269. Kausler, I, cxxvi, 145 *add.* 'by law'.

270. This passage, with its reference to grand masters, clearly refers to the religious of the Catholic military orders, who had estates on Cyprus. See J. Richard, 'Le diocèse de Limassol d'après le compte de Bernard Anselme (1367)', *Chypre sous les Lusignans. Documents Chypriotes des archives du Vatican (XIVe-XVe siècles)* (Paris, 1962), pp. 111-123.

this is called chicanery, nor does it do any good, nor indeed must the assertion of the master of the religious be considered valid. For just as the master would wish to detach his own if the other brother did not appear on his day, justice shows and the legal process proves in a like manner that the other party has won the case by law and according to the Assizes of the Kingdom of Jerusalem. And this is why the grand master should see to it that he appoints such brothers to supervise his houses as do not lose their rights on account of their shortcomings. For indeed, if the grand master had enough intelligence to send for that particular brother who had a day in court, he must have like intelligence to know that he could have told the other brothers, if he could not appear on the day, to have the day returned, in the manner described in the previous articles.

**Article 120 (Kausler, cxxvii). Here you shall hear the law regarding judgements which are placed on hold, the so-called respite, because the assessors cannot come to a unanimous agreement.**

If it happens that a claim over some issue is brought to court, and that the assessors delay over judging the case because they cannot agree on the judgement, but instead have the verdict of the present claim adjourned for another day because they are unable to reach an agreement among themselves, and thereupon the *bailli* of the court decides to order those involved in the claim to appear on a certain day, they must abide by everything that the assessors declare. Should it happen, moreover, that one of the two parties arrives on the day assigned for them to hear the judgement, and the other party does not arrive, the law decrees that the party arriving on the day assigned has won his case, and that the other party has lost it for evermore, should he not have returned his day in the manner described above. Furthermore, should it happen that he did not arrive on the day assigned and that judgement was not passed on that day, he should then lose nothing, according to the law, even if it were the case that he were a simpleton and so did not return his day. As for the other person who did arrive, he gains nothing, and this is just according to the law and the assizes.

**Article 121 (Kausler, cxxviii). Here the law is stated regarding a man who brings a claim against a married woman, whether she is obliged to offer him a defence in court or not, and within what period of time she must offer him a defence.**

If it happens that a man brings charges against a married woman in court at a time when her spouse is not in town, know that it is not lawful for her to be put on trial without her husband being present. Instead justice should give her a period of grace of 15 days, and should it happen that the woman cannot<sup>271</sup> be with her husband within 15 days, as would happen if her husband had travelled out of the kingdom, the viscount and the assessors should then give her another adjournment, the so-called respite, of a year and a day, by law. If, moreover, her husband should return within the year and the day, the woman is thereafter obliged by law to render justice to the person bringing a claim against her. Should he, moreover, not return within a year

271. The Greek text wrongly omits 'cannot'. See Kausler, I, 148, cxxviii.

and a day, the wife is thereafter obliged by law to respond to the issues over which the claimant has summoned her, since both the fifteen day term has expired and the year and the day have gone by from the lawful time limits granted to her, and her husband has not in the meantime arrived.

**Article 122 (Kausler, cxxix). Here the law is stated as regards one who nominates a woman as his guarantor, and this woman has a husband, and whether this guarantee is valid or not.**

If it happens that a man nominates a woman as his guarantor, and that the woman has a husband, know well that her husband can easily prevent her from honouring the guarantee, so that she will in no way act as a guarantor if he so wishes, and nor need the woman offer a defence in court over any issue, so long as her husband is alive, except as in the manner described above. If, however, the husband makes his spouse a trader so that she buys and sells, the law decrees that he is obliged to accept and to undertake all that she is owed or owes, for this is what is right according to the law and the assizes of Jerusalem.

**Article 123 (Kausler, cxxx). Here the law is stated regarding one who marries a widowed woman who is in debt, and know well who should repay this debt.**

Should it happen that someone marries a widowed woman, and that she owes some debt, either on her own account or on account of her deceased spouse, the person marrying the widowed woman is obliged by law to pay the whole debt which she owes on her own account or on account of her deceased spouse. Likewise should a woman marry a man who owes some debt on his own account or on that of his deceased spouse, the woman marrying him is obliged to repay this debt, if he has the wherewithal, by law and according to the Assizes of the Kingdom of Jerusalem.

**Article 124 (Kausler, cxxxi). Here the law is stated regarding one who ravishes a virgin forcibly or even with her consent, without the knowledge of her father or mother, or of those who have her in their care, and what legal penalty should be inflicted on the person who commits this transgression.**

Should it happen that a person takes a virgin forcibly and destroys her virginity, or even does this on account of her naivety,<sup>272</sup> without the knowledge of her father or mother or of those who have her in their care, the law decrees that if the father or mother, or the relatives of the virgin, or those who have her at home in their care, wish to show mercy towards the person who ravished her, and he is such a man as befits her, he can take her for his wife. Should it be the case, moreover, that those who have authority over her do not wish to do this, and should it happen that he is such a person as has private means, then they should have her become a nun, a female religious, and he should pay for everything, that is everything which the nunnery wants so as to receive her into the community and for her clothing. He then places himself at the mercy of God and of the ruler of the country, who should administer

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272. Kausler, I, 150, cxxxi *add.* 'or by her own free will'.

such a sentence as he should administer on one who uses force in the land of another. Should all these things not satisfy her parents, moreover,<sup>273</sup> either because he is unworthy to marry their daughter because he is beneath her social station, and should he also have a bad reputation, then justice and the law decree that he, whatever he might be, either a knight or a burgess, should have his penis cut off with all its attendant parts. He should also be exiled from the country in which he has committed this wrongdoing for a year and a day, and all that he has remains at the mercy of<sup>274</sup> the ruler of the country, by law and according to the assizes of the kingdom. But the following proviso exists, for the law decrees that should the man accused of committing this misdeed declares 'God forbid that I ever committed this misdeed!', and the girl says 'But you did!', he must not be condemned on account of this. The girl must have two trustworthy witnesses ready to swear on the Gospels that they saw him go to bed with her, and in this manner he is proven guilty by law. Furthermore, should she not have two witnesses who saw him [in the act] but has two witnesses who saw him enter the house, this should be valid in the following manner. He should be placed in the custody of the bishop of the town, or in that of the church, for a year and a day, lest he confess within this period of time, either in the confessional or simply by himself, his guilt in the affair. Should he not confess anything within a year and a day he should be released from custody and should swear upon the Gospels that he did not commit this misdeed, that is to say that of ravishing the virgin. After this he should be freed and pardoned, that is acquitted, if there is no other indication of wrongdoing, by law and according to the assizes.

**Article 125 (Kausler, cxxxii).** Here the law is stated as regards one who ravishes a virgin and wishes to undergo trial by ordeal<sup>275</sup> to prove that he has not done this, and what law is applied following the ordeal as regards the person who has come through it safe and sound, and as regards the person who has not come through it as a just man. The ordeal is a form of oath whereby a person touching it was saved and a person not touching it was not saved, and it was not administered to all, but to those asking for it of their own free will.<sup>276</sup>

Likewise if it happens that a man ravishes a maiden's virginity and cannot be proven guilty by such witnesses as the law and the assizes have decreed in the previous article, and the defendant declares while in gaol, or has someone declare for him in the presence of the viscount and the assessors that he wishes to undergo the ordeal to prove that he did not commit this misdeed against the maiden, the law decrees that once he has offered himself he has to undergo the ordeal, and that the court must not let him draw back if he changes his mind. And should he come through the ordeal freely he must by law be cleared of having committed this misdeed, for no man can

273. Kausler, I, 150, cxxxi *add.* 'or he does not have the wherewithal enabling him to do that which is stated above'.

274. Kausler, I, 151, cxxxi *add.* 'God and'.

275. The ordeal referred to in this article is ordeal by hot iron. For its application throughout Latin Europe between 800 and 1200 see Bartlett, *Trial by Fire and Water*, pp. 13-23.

276. Kausler, I, 151, cxxxii *om.* the final sentence that refers to the ordeal by fire.



say anything against the oath and the witness of God. If, moreover, he is not<sup>277</sup> saved by undergoing the ordeal he should be judged in the same manner as is described in the foregoing article, for this is what is right and lawful according to the assizes of Jerusalem.<sup>278</sup>

**Article 126 (Kausler, cxxxiii). Here the law is stated regarding court cases, for which ones a lawyer should be present, an *avanparlyer* as he is called in French, and for which ones he is not required.**

Should it happen that a person brings a claim against another person in court, the law decrees that he must have a lawyer to state the case for both parties, and this is why an advocate must be present. For if it be the case that the advocate states something which he should not have stated for the person whom he is representing, he and his counsel who is speaking on his behalf can put it right before the final judgement. But if the person who is bringing the claim says something which has harmed his case he can no longer alter his statement once he has stated it, should he wish to do so, because the defendant with his counsel have heard it as such. This is why, moreover, it has been decreed in the court of the burgesses that no person should be tried without an advocate, nor do so in the High Court without the counsel of knights, so that by employing their counsel he may thereafter put forward his case, for this is what is right by law and according to the assizes.

**Article 127 (Kausler, cxxxiv-cxxxv). It is now lawful to state the law regarding the witnesses whom people make use of in all the claims that they bring to court. This law is written in Latin.<sup>279</sup> [It explains] what kind of person can offer testimony in court on behalf of another, and what kind of person cannot lawfully offer testimony in court.**

Such persons and such witnesses are well able to offer testimony in court, provided that they are just persons and of the legal age. But know well that a son who is a minor and is under the authority of his father, and one who is accused [of wrongdoing], that is to say one who has a bad reputation, are such persons as cannot offer testimony in court on behalf of any person, and should they wish to do so they should be neither heard nor believed. Two trustworthy witnesses, however, can lawfully offer testimony in all the courts over any issue, by law. Furthermore, even one person who is alive can offer testimony in court for himself and for the deceased witness, by law and according to the assizes of the country, provided that if it be the case that the person wishes to offer testimony for himself and for the deceased, he should be a person of good repute and he should be attested as being a good person. If he should indeed be such a person, then he is well able to offer and produce his testimony both on his own account and on behalf of the deceased, and it should lawfully be regarded as valid. Witnesses should not be coerced into offering testimony before the court

277. The Greek text wrongly omits 'not'. See Kausler, I, 152, cxxxii.

278. Kausler, I, 152, cxxxii *om.* 'of Jerusalem'.

279. For the Latin text, not translated into Greek, see Kausler, I, 153-154, cxxxiv

over any issue, should they not wish to. Know well that my father, or my brother, or my servant is well able to offer testimony in court, if the need arises, in the following manner. They should swear upon the Gospels that they have no interest in the claim regarding which they wish to offer testimony, for it is right and proper for them to wish to assist me in obtaining my rights, rather than a stranger.

**Article 128 (Kausler, cxxxvi). Here the law is stated regarding one who wishes to offer testimony for purposes of gain, and what law should be applied to the person doing so.**

If it happens that a person wishes to give testimony on behalf of someone else and he has an interest in the case in which he wishes to offer testimony, or else offers false testimony in return for some gain he might acquire, or else does this on account of the love he feels towards the claimant and because he wants him to win the case, the law decrees that the assessors should not by law accept such persons as witnesses. Should it have happened, moreover, that they offered testimony, without the assessors realising that they had some interest in the case, or else offered the false testimony for some gain which they received, the law decrees that the person bringing forward these false witnesses against the other party should by law lose his case, and that the other party should win it by law. The false witnesses, moreover, should have the palms of their hands branded with a hot iron by way of recognition of the false oath that they swore when offering testimony. For a person who swears a false oath denies God, and for this reason he should have the palm of his hand branded, as stated above. Furthermore, they must lose the right of being granted an audience in court in the following manner, that they should never be believed regarding any testimony they might offer over any issue. The person, moreover, who had these false witnesses brought forward should be liable to pay such a fine to the ruler of the country as one found guilty and apprehended doing a faithless act, because he wronged his own self<sup>280</sup> and caused two other persons to deny God by causing them to offer a false oath on his behalf. For neither what is right nor the law decree that a person who has an interest in the case brought to court, or one who will gain from the person seeking him as an accomplice, or who receives some gain for offering testimony should lawfully be given credence in court.

**Article 129 (Kausler, cxxxvii). Here you shall hear about who can offer testimony and who cannot do so.**

Know well that should a Latin wish to offer testimony against a Syrian he cannot do so, nor should the court lawfully accept him as a witness. Nor should it lawfully give credence to a Syrian wishing to offer testimony against a Latin over any issue. But should it happen that some Syrian or Jacobite, or Greek or Nestorian, or one of some other confession, should it indeed happen that some Syrian, Jacobite, Greek or Nestorian declare something known to them before the viscount or before the assessors, the Latins who happen to be assessors are well able to offer testimony regarding this against Syrians, against Muslims and against persons of any denomi-

280. Kausler, I, 156, cxxxvi *om.* 'guilty ... self'.

nation. Furthermore, know well that no woman can offer testimony in court against a man over any issue.

**Article 130 (Kausler, cxxxviii). Here the law is stated regarding the testimony of a man who wishes to give testimony against a woman, and whether trial by battle is required or not regarding such testimony.**

If a man wishes to give testimony in court against a woman, the law decrees that he is well able to do so, and that it should be deemed valid. If, however, the charges concern a sum of money of one silver mark or more, trial by battle is required, for the woman or the man against whom the claimant has brought witnesses can have one of them challenged to a duel, and the person winning should lawfully win the case. But know well that two assessors are well able to offer testimony over all things which have taken place or which have been said in their presence before the court, without undergoing trial by battle in those instances where it would normally take place.

**Article 131 (Kausler, cxxxix). Here the law is stated regarding the viscount and his sergeants who supervise tax collection (called *placiers*<sup>281</sup> in French) who wish to offer testimony in court, and whether it is valid or not.<sup>282</sup>**

Should it happen that the viscount or his sergeants wish to offer testimony in court on behalf of another person, they cannot do so and neither he nor his sergeants should be believed, as illustrated in the following instance. Peter came forward and summoned Martin before the viscount, and afterwards Martin returned and had Peter summoned before the viscount. Peter says that he brought charges first and the viscount states that Martin brought charges first, and his sergeants likewise speak in Martin's favour, as does the viscount. The law decrees that neither the viscount nor his sergeants should be believed regarding this testimony, nor as regards any other issue, by law and according to the Assizes of the Kingdom of Jerusalem. Should it happen, however, that one of these two can prove by producing two witnesses other than the viscount or his representatives that he was he first to bring charges, it is right that he should be administered justice first, or before any other person subsequently bringing charges against him.

**Article 132 (Kausler, cxi). Here the law is stated regarding the testimony of written documents, which written testimony is valid, and which written testimony is not valid in court.**

Should it happen that a man or a woman produce before the court some written record by way of testimony, neither the assessors nor the court should accept it, nor should they grant it a hearing, nor should they believe it, according to the law, if it is not a charter embossed with the seal of the ruler of the city or of some other place, for [only] this should be valid and credited. But should it be the case that a man or a woman arrived from Acre bringing a document to the *bailli* of Jaffa, or of Jerusalem,

281. From the Latin *placearius*. See Jacoby, 'The Italians in the Latin Kingdom', pp. 234-235 and 'The Origin of the Court of Burgesses', p. 265 for the functions of this office.

282. Kausler, I, 158, cxxxix has 'and it should not be valid'.

and should he (or she) have said, 'take sir this document brought to you by the viscount and assessors of Acre, and have a care to believe what is written in it' and should the document declare that the viscount and assessors of Acre are bringing the testimony of Martin, or that of John, that Gerard acknowledged before them that he owed 100 bezants, or more or even less, this testimony is of no use, nor should this letter be believed for the reasons given above. Neither this nor any other written document should be given credence in court unless it happens to be a privilege in the manner written above.

**Article 133 (Kausler, cxli). Here the law is stated regarding papers, which written papers are valid, and which ones are not valid.**<sup>283</sup>

Should it happen that a sale of houses, land or vineyards took place in court before the viscount and the assessors, or should the settlement of some dispute, or of some murder have taken place in writing, the resolution of the issue concerned having been drawn up before the viscount and the assessors, then should some quarrel later arise over what was stated in the paper, that it had not been drawn up in court,<sup>284</sup> the law decrees that this paper must be valid, and that whatever has been put in writing before the viscount and the assessors must be valid for evermore, this being any document like the written paper, or a paper in the writing of the court secretary, or of some other court secretary of the city. Such a written document is valid by law and according to the assizes.

**Article 134 (Kausler, cxlii). Here the law is stated regarding the charters of the communes.**

Should it happen that a member of a commune lends bezants to another person, or wishes him to hold these bezants, or any other commodity, in trust, and should they arrange over this issue of trust to have a charter drawn up by a notary public, and to have it witnessed by other persons, the law decrees that this charter should be valid between them. It should, moreover, have the same validity as a sealed charter would have, and the consul of the commune from which one of its members is called to account should be obliged to make repayment, or to return to the other party everything written in the charter, by law and according to the assizes. It should have no validity, however, before a crown court,<sup>285</sup> nor should judgement be determined over any oath<sup>286</sup> in such a paper that is not drawn up in the manner stated above.

**Article 135 (Kausler, cxliii). Here the law is stated regarding charters that have not been witnessed, and whether they should be considered valid or not.**

Should a person bring a claim in court some other man or woman in his consul's presence over some debt which he (or she) is alleged to owe to him, and the claimant says

283. Kausler, I, 160, cxli *om.* 'and which ones are not valid'.

284. Kausler, I, 160, cxli has '... which had been drawn up in court'.

285. See J. Richard, 'Το δίκαιο του μεσαιωνικού βασιλείου', *Ιστορία της Κύπρου*, IV, *Μεσαιωνικόν Βασίλειον, Ενετοκρατία*, ed. Th. Papadopoulos (Nicosia, 1995), 384 and note 29 on this issue.

286. The Greek text wrongly has 'assessor'. See Kausler, I, 161, cxlii.

that he has a document in the possession of the consul, but that this written document has no witnesses' names on it, of either living or dead persons, should the defendant refuse to hand over what is asked of him the person producing the papers has forfeited all that he asked for, because no written charter is worth anything without witnesses. Nor are the viscount and the assessors under any further obligation to send the claimant to the consul for the latter to arrange for the payment of what is written in the charter towards the man or the woman demanding their due, for none should forward claims on the basis of a false document.

**Article 136 (Kausler, cxliv). Here the law is stated as regards matters that can be brought before the courts of the communes, and as regards those matters over which justice can be administered solely in a crown court.**

Know well that none of the communes, such as the Venetians, the Genoese and the Pisans, should have any court in their midst other than for their own people exclusively, in cases where they have litigation among themselves over sales and purchases, or some other contracts which they have among themselves. The consuls are well able to impose penalties upon them over issues, if these are brought forward, and can impose fines upon them.<sup>287</sup> But know well that no commune has a court for cases of bloodshed, that is for open wounds, for theft, for conspiracy or for heresy, as in cases concerning heretics or *paterini*, nor for the sale of houses, fields, vineyards, gardens or villages, since all these things should be judged, concluded or sold before the crown court, and can be brought before no other place by law and according to the assizes of Jerusalem. Should it happen, moreover, that any commune passed judgement over, or caused judgement to be passed through its agency over any of these matters that are proscribed, these should have no validity by law and according to the assizes. The royal court, moreover, must invalidate all of them, and the crown court should not tolerate this misdeed.

**Article 137 (Kausler, cxlv). Here the law is stated regarding one who wishes to offer testimony in court when this person is maimed or is an old man who has passed his majority, and whether another man can replace him.**

Should it happen that a person comes before the court, and he happens to be maimed or over sixty years of age and wishes to offer testimony for some man or woman, the law decrees that this person is well able to offer testimony before the court over all issues. Furthermore, should it happen that he be challenged to trial by battle, the law decrees that if possible he should be substituted by another man who should fight in his place, for this is what is right and lawful according to the assizes.

**Article 138 (Kausler, cxlvi). Here the law is stated regarding a maimed man who has been accused of murder.**

If a person has been accused of murder and he happens to be someone who is maimed, the law decrees that if possible he should be replaced with another fit man

<sup>287</sup> Kausler, I, 162, cxliv has 'and put them in their prison'.

who should fight in his place. Should the champion be defeated, then the person who nominated the champion should be hanged in accordance with the law and the assizes, and all that he has should be given to the ruler of the country, in accordance with the law and the assizes.

**Article 139 (Kausler, cxlvii). Title missing.**

Should it happen that a man or a woman have died, and that someone owed him something, and then the relatives of the deceased asked his debtor for the return of whatever he owed him, and the person so asked denies owing anything while the person seeking repayment of the debt or of some article has two witnesses ready to offer testimony, the law decrees that the claimant should win the case, but there exists the following proviso. The defendant against whom the witnesses are brought forward can, if he wishes, challenge one of them to trial by battle should the matter involve a sum to the value of one silver mark or more, and the winner of the combat must lawfully win the quarrel, that is to say the claim. Should the person claiming the livelihood for the deceased not have two witnesses ready to offer testimony, however, the law decrees that the man or woman from whom he is asking for the repayment of the debt should swear upon the Gospels that they owe nothing to the deceased, and they can thereby remain free by law.

**Article 140 (Kausler, cxlviii). Title missing.**

Should it happen by some stroke of fortune that a man of the clergy, called a man of religion in the Latin language, appears before the court, as well as<sup>288</sup> some person who has lost the right of audience in court on account of some misdeed, as is laid down above, namely the manner in which he should lose this right, the law decrees that he should not be admitted in court to offer testimony for any man or woman, since he has lost the right of audience in court. For he cannot challenge a man to trial by battle, and so should never offer testimony, nor should a person found guilty of some wrongdoing.<sup>289</sup>

**Article 141 (Kausler, cxlix). Title missing.**

Should it happen that a man of the regular clergy, one of religion, appears in court wishing to offer testimony, he cannot do so, nor must the court listen to him, nor accept his testimony against that of any secular person, nor indeed the testimony of a priest or of a clerk. If, however, it were such a matter as when a secular person fell ill and made his confession and his will before the holy body and blood of Our Lord Jesus Christ, as well as before the priest and the clerk, and before two<sup>290</sup> other persons, the priest, the deacon and two secular persons in unison are well able to offer testimony in such a case. This applies over moveable property, and none other. For anything transmitted by inheritance, such as houses, fields, vineyards, lands, or the

288. Kausler, I, 165, cxlviii *om.* 'a man of the clergy ... as well as'.

289. Kausler, I, 166, cxlviii gives the words 'nor should ... wrongdoing' in Latin.

290. Kausler, I, 166, cxlix *om.* 'two'.

villages called *casalia*, cannot be apportioned on the basis of the testimony provided by a priest or a deacon, for trial by battle may be required. Know well, moreover, that secular witnesses are required as regards all issues over which claims are forwarded in the secular court, as well as over matters concerning sums above one silver mark, or matters where trial by battle may be required, should the person condemned by testimonies so wish, for he can challenge one of the witnesses to a duel, by law and according to the Assizes of the Kingdom of Jerusalem.

**Article 142 (Kausler, cl). Title missing.**

Justice and the law decree that no man or woman should place beams upon the wall of another, whether it be their neighbour or otherwise, without having the right to place them. This law is also stated in Latin.<sup>291</sup>

**Article 143 (Kausler, cli). Title missing.**

Should it happen that two people have a dispute between them, as over a common wall, or over the boundary of a house, or over a balcony in front of a house, and the matter of dispute comes to court, the law decrees that the viscount should send assessors to go and examine the locality over which the dispute has arisen, and they are obliged to go there along with the owner of the house, and thereby the assessors, according to what they have observed and have recognised from the way things appear must state their verdict and reconcile the two parties. What the assessors decree, moreover, should be valid for evermore, and the viscount must ensure that the terms are observed by both parties. If, however, the assessors fail to reach agreement because there is no marker on the wall whereby they can observe and judge matters fairly, the law decrees that henceforth the two burgesses must appear before the viscount and the assessors. Each one should state his case according to his lights, and the assessors should award the case to the person who has the greater justification and indication of rectitude, for this is what is lawful according to the perception of the court.

**Article 144 (Kausler, clii). Title missing.**

Know well that if a person has a house with all its walls, and it so happens that one of his neighbours secretly rests a beam against one of the walls, without the owner of the house being able to discover this, the law decrees that the person who covertly placed beams against the wall of another does not have to remove them, nor can the case be brought to court, if they have been there a long time and over one year and one day have passed, since this was a hidden phenomenon perceptible to no-one. The person doing this is obliged to remove the beam from the wall of another at once only if he is told to do so, or if the court so decrees (i.e. before a year and a day have passed).

Should the owner of the wall bring charges against him, or against anyone else doing this, he is then obliged to find a way of persuading the owner of the wall to accept having the beam placed against his wall. Should he be unable to do so, he is

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<sup>291</sup>. For the Latin text see Kausler, I, 167, cl.



then obliged to remove the beam under the following circumstances. The owner of the wall should swear upon the Gospels that within a year and a day of the other party placing the beam there he had been told and ordered to remove it, or had taken the matter to court. Following this he is obliged to remove the beam, or to comply with any other wish of the owner of the wall, by law and according to the assizes.

**Article 145 (Kausler, cliii). Title missing.**

If I own an expanse of uncultivated land, called a *gastine* in French, where there used to be houses, and I wish to reconstruct the houses on the spot where this uncultivated land is mine, and someone else does not allow me to place my beams upon the wall which is between my land and his adjoining land, or stops me from erecting arches and resting them on the wall upon which it appears clearly that my arches used to rest, and where there used to be windows on my side of the wall, and because the markings are clear I wish to tear down my half of the wall, but the other party comes forward and asserts 'God forbid that you ever had anything constructed against this wall, for there has been no house on this uncultivated land for more than twenty years, nor was there any edifice on your plot of land when I bought my house, and for this reason I will not let you under any circumstances rest anything against the walls, for they are entirely mine, unless the court does not acknowledge this' and so the case is brought to court and charges are brought forward, the law decrees that the assessors should go there and have a look for themselves. Should the markings on the wall be such as the person wishing to build maintains them to be, he should be allowed to rest materials against them and construct his house, by law and according to the assizes. For even if there had been no houses on his land for a long period of time, in no way does he lose on account of this the rights enjoyed by him or his heirs, or by the man or woman from whom he had bought the land. If, however, the assessors find that there is no clear indication that arches or houses had once rested against these walls, from then onwards he should have no legal entitlement to rest anything against them, except with the permission of the person to whom the wall belongs, and not otherwise, by law and according to the assizes.

**Article 146 (Kausler, cliv). Here the law and penalty regarding the damages sustained by a man or woman outside the boundary walls of their house is stated.**

If it happens by some chance that a burgess or a burgess woman place something outside the boundary walls of their house, or upon a stool or a hanger, a so-called perch, and it comes to pass that a man carrying wood or some other load, or with a camel, or donkey, or some other animal passes by, damaging or causing the fall of that which the burgess, or burgess woman has placed outside his or her house, the law and justice decree that none are obliged to offer them any lawful compensation for this damage, for no man can lodge a claim for anything outside the walls of their house. If, however, it so happened that someone of his own free will pushed the loaded animal, or the man carrying a load,<sup>292</sup> he is obliged to make good all the damages he has

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292. Kausler, I, 172, cliv *add.* 'upon the article of the burgess or the burgess woman, so that it thereby suffers some damage'.

incurred by causing the load to fall upon the belongings of the burgess, the burgess woman, or anyone else. Furthermore, it is lawful that if the beast of burden is wounded, or has spilled its load, or if what it carried has been smashed, he must by law make good all these things. And if the poor man who has been pushed falls to the ground and is wounded, he is obliged to have him treated, and to grant him his means of support until he can do whatever he was accustomed to do and was doing until he was pushed. If, moreover, he hated him, and was lying in wait to do him harm, and pushed him for this reason, causing him to be maimed for life, the law decrees that the person doing this should be apprehended and should have his fist cut off, following which he should be set free, or be acquitted as is said, of this wrongdoing by law.

**Article 147 (Kausler, clv).** Since we have expounded to you the law regarding other issues, it is right for you to hear that which the law and the assizes decree regarding marriages, and regarding which marriages are valid, and which ones are not valid and must not be maintained neither by knights, nor by burgesses, nor by liege-men. For this law must be applied to the marriages of both burgesses and knights, for had it not been so established, then there would exist neither law nor assizes nor justice<sup>293</sup> in matters regarding marriage.

**Article 147 (*bis*).** The whole of this law is written in Latin.<sup>294</sup>

**Article 148 (Kausler, clvi).** Here the marriages that take place are explained, as well as how old a man and a woman should be before they are married in the holy church.

Know well, and all men and women can and should know well, that a good marriage has great value in the sight of God and has great advantages for both men and women, for as the Holy Scriptures regarding this sacrament state, 'A faithless husband may attain salvation through his faithful wife, and a faithless wife attains salvation through her faithful husband'. Therefore let all men know, as well as all women, knights and burgesses, that in accordance with the divine law, the canons of the church and the assizes, it is imperative for three things to be examined and ascertained beforehand. First among them is age, then the desires of both parties, and third, to see to it that the parties concerned are not related, that is to say that the husband should not be related to the wife. The law, however, quite properly decrees that first of all the age of the parties must be examined, for a man needs to be at least thirteen years old when he marries, and the bride likewise must be at least thirteen years old when she gets married. Furthermore, should it happen that the man and the woman are not<sup>295</sup> of such an age as is required, and nonetheless get married, that marriage must not be considered lawfully valid, for it is contrary to God, contrary to the holy church and contrary to the assizes. Likewise know that the man<sup>296</sup> must not be

293. The Greek text omits 'justice'. See Kausler, I, 173, clv.

294. For the Latin text see Kausler, I, 173-174, clv.

295. The Greek text omits 'are not'. See Kausler, I, 175, clvi.

296. The Greek text omits 'know that the man'. See Kausler, I, 175, clvi.

related to the woman, nor the woman to the man, for this is what the holy canons stipulate, namely that the lineage that comes down to a man or a woman extends to the seventh degree. The lawful lineage, however, which proceeds by descent goes from the father to the son, the son to the grandsons, and from the grandsons to their children. And it extends this far, as has been explained above. And not for nothing do the Scriptures and the Law<sup>297</sup> state that had our forefather Adam lived and then became a widower, he could not have married any woman,<sup>298</sup> because we are all sons and daughters of Adam.<sup>299</sup> As is stated in the law and the assizes, marriage is so good,<sup>300</sup> that once a man and woman are joined in matrimony, henceforth they cannot separate for the remaining days of their life, other than by death. For as the holy apostle Paul has stated, 'A woman has no authority over her person, but her husband has it, likewise no man has authority over his person, but his wife has it'.

**Article 149 (Kausler, clvii). Here are explained the grounds on which a married couple can separate on account of not having come together in the proper manner.**

Should it happen that a man has married a woman, and that he is less than thirteen years old, while the woman is thirteen years old as stated above, justice decrees that this marriage should be annulled by law and without any penalty or sin being attached, should both or one of the parties wish it. Furthermore, if the priest who blessed the marriage knew that the man was below the legal age, and faithlessly married them in secret, or because of entreaties addressed to him, or for some remuneration given to him, the law and the assizes decree that the priest in question must be suspended from performing the divine offices until the parties whom he married while under-age should attain the age of majority, which has been stated above. Let him moreover, go to our most holy father, the apostle<sup>301</sup> so that he may obtain leave to perform the divine offices, and secure forgiveness,<sup>302</sup> for this is what is right and lawful. If, however, the couple have consummated their union, then neither the man nor the wife can henceforward dissolve their marriage lawfully, even if they should both wish it, unless there happens to be some other valid reason, such as ties of kinship.

**Article 150 (Kausler, clviii). Here the law is stated regarding one who marries a woman related to him, regarding the priest who blessed their marriage, and regarding all those who were present at the wedding, what penalty they should be subject to, the so-called *poenam*.**

Should it happen that a man, whether he be a knight, or a burgess, or some other person, or whoever he might be, exalted or humble,<sup>303</sup> takes his niece for a wife, or a woman related to him to the third degree, or to the fourth, the law and justice decree

297. Kausler, I, 175, clvi has 'the letter of the law'.

298. Kausler, I, 175, clvi *add.* 'by law'.

299. Kausler, I, 175, clvi *add.* 'and of his wife Eve. For they were our primordial father and our primordial mother'.

300. The Greek text omits 'marriage is so good'. See Kausler, I, 176, clvi.

301. i.e. the pope.

302. Kausler, I, 176, clvii *om.* 'and secure forgiveness'.

303. Kausler, I, 177, clviii *om.* 'exalted or humble'.

that this marriage must be annulled, and in the following manner, moreover. The husband and his wife must both take a habit, that is to say enter a monastery, and all that they have, such as fiefs, lands, or villages, whether deriving from the wife or the husband, and regardless of whether the fief owes services or not, must all lawfully go to the ruler of the country. For should they have had children from this marriage, during the time when they were together, whether they had them in defiance of the law or because the church or the ruler allowed them to do so, the law and justice decree that these children should not be considered in any way their heirs, nor can they inherit any property or any other goods from their parents, from either their father or their mother, according to the law and the assizes, for all must go to the ruler. As for the priest who married them and knew that they were related, he must be deprived of his office<sup>304</sup> for the remainder of his days, and the clerk likewise, if he also knew this, as well as all those men and women who were present at the wedding and knew that the bride and groom were related, who should be excommunicated and have no part of the benefits of the holy church. Nor should they even enter the holy church until they obtain forgiveness for this unlawful and sinful act from the bishop of the city, or from the patriarch.

Should it happen, however that he and she who were related, as has been stated above, and who got married, had some close relative, either on the side of the husband or on that of the wife, from whom the fief was derived, and if he were such a person in his conduct as was fair and a lover of justice, and was loyal to the ruler of the country, and loyal to the king, and that he had also reached the legal age for obtaining the fief which his male or female relative wished to make their own, and which the king seized and held, and placed into his own possession, then by law the king or the lord or lady of the land are lawfully obliged to return to him that which they can no longer hold, nor are able to inherit.<sup>305</sup> Furthermore, should it happen that he or she who are related to them have not come within a year and a day to make their claim from the time when the king or queen took possession of the fief, or of the village, the king is no longer obliged to return that which he has taken to anyone, given that a year and a day have passed, and it all devolves upon the ruler, in accordance with the law and the assizes. Should no relative have existed, moreover, in the manner stated above, justice,<sup>306</sup> the law and the assizes decree that it should all devolve upon the ruler of the country, for he is the lawful heir to this deficiency, or to this unlawful and unjust happening, which has taken place contrary to God and contrary to the good customs and the good practices of the kingdom of Jerusalem, which were promulgated by the capable men and good kings who preceded us. Furthermore, should the errant couple not wish to enter a monastery, but have instead departed from the country and made off with all their [moveable] goods, the assizes declare that everything should devolve by law upon the king.

Should the priest who married them moreover, not have been aware of their kinship, which indeed had not been divulged to him because otherwise he would not

304. Kausler, I, 178, clviii *add.* 'and benefice'.

305. The Greek translation wrongly has 'be related to'. See Kausler, I, 178, clviii.

306. Kausler, I, 178, clviii *om.* 'justice'.

have married them, the law decrees that he should suffer no punishment for this marriage by law. The same justice should be administered to those who were present at the wedding and did not know that they were related, for they too should be exempted.

**Article 151 (Kausler, clix).** It is stated here by what manner a man should become engaged to a woman and marry her in church, which marriage is valid, which marriage is invalid,<sup>307</sup> and what penalty is payable to the church by the man or woman on account of whom the marriage has not been concluded.

Should it happen that a man wishes to take a wife, whether the man happens to be a knight or a burgess, the law decrees that the church should not join them in matrimony if they have not first become engaged in the following manner. This is to say that the man who wishes to marry a woman should swear upon the Gospels that he has no woman to whom he is wedded or engaged, nor whom he has agreed to engage, nor has he taken any vow whereby he cannot faithfully and properly marry the woman whom he now wishes to wed. After he has taken the said oath, two other men should likewise take the oath on his behalf in this manner, as stated above, and<sup>308</sup> two women are similarly obliged to take the oath with them, in the manner stated above. This is how it should happen, and this engagement should be deemed valid. After this, moreover, the church should set a date for the marriage, and do so because within this interim period of time the banns should be proclaimed three times during the first church service. The priest, moreover, should declare in the following manner 'Lords and ladies! I hereby make known to you on behalf of the holy church of God that this here man intends to marry this here woman on the day appointed, and should any man or woman know of any reason on account of which the marriage should not take place, let him come forward and declare it before they are married. And whoever should not come within this time limit should thereafter not be believed regarding anything he might say, if he happens to be in the city and in the country but has not made his statement within the period of grace prior to the marriage'.<sup>309</sup> This marriage, moreover, must be considered legally valid, so long as the two parties are not related through any ties of kinship, as has been stated above. This is what is just by law and according to the assizes of the kingdom of Jerusalem.

**Article 152 (Kausler, clx).** Here you shall hear the law regarding engagements, and regarding the fines people pay for breaking the engagement.

Should it happen that a man becomes engaged to a woman, as has been stated above, and that deposits have been paid during the engagement, should the marriage then not take place on account of some pretext or some obstacle which has arisen, the law decrees that they are well able to change their minds, if either of them so wishes, whether the man or the woman, with the following proviso. Let the man or woman who has repented pay the deposits placed, and thereby let him (or her) be absolved, that is acquitted, by law and according to the assizes. And after that the man can

307. Kausler, I, 179, clix *om.* 'which marriage is invalid'.

308. Kausler, I, 180, clix *add.* 'The woman is also obliged to do so, and ... '.

309. Kausler, I, 180, clix *om.* the preceding sentence.

marry another woman, and the woman can be married to another man, with neither party being under any obligation to the other on account of these engagements.

**Article 153 (Kausler, clxi). Here you shall hear the law regarding one who has become engaged to a woman, who does not marry her, who has given her something, and whether he can take it back afterwards or not.**

Should it happen that a man becomes engaged to a woman, and afterwards does not marry her, and he has given her something, the law quite properly decrees that he is well able to ask her for what he has sent her. The woman, moreover, must lawfully return it, if he had no intention of being engaged to her when he sent her whatever he wants from her, for if he does not grant it to her he does not wish to be engaged to her.<sup>310</sup> This is also lawful, that he can take back that which he has given or has had given to the woman to whom he wished to be engaged, if it was not through his fault or a fault on his part that he did not<sup>311</sup> marry her, but through the fault of the woman or of one of her relatives. If, however, it is through his own fault and he does not marry her, the law decrees that he cannot take back that which he has given to the woman, neither by rights nor by the law nor according to the assizes. This law, moreover, as it has been stated above, regarding the gift that he has given, likewise applies regarding anything that the woman might have given, or had sent to the man who got engaged to her and intended to take her as his wife.

**Article 154 (Kausler, clxii). Here the law is stated regarding a woman who is engaged to a man, or vice versa, where one of the parties dies before the marriage takes place, and what law should be applied regarding their personal possessions left to their relatives.**

Should it happen that a man has become engaged to a woman, and that he has given her or had given to her some article, in the manner stated above, should it happen that one party predeceases the other before the wedding, the law decrees that neither the other party nor his heirs can claim or ask for anything from among those things given to the woman, nor can the woman (or her heirs) likewise claim anything given to the deceased man, other than one half of what was given. But if the man kissed her during the engagement, then no-one of their own accord can ask for anything, neither from the relatives of the deceased man nor from her to whom the present was given, not even if this present was given prior to the engagement. According to the law, the heirs of the deceased man or woman are not able to ask for anything from the gift which was given, neither according to justice, nor by law, nor even according to the Assizes of the Kingdom of Jerusalem.

**Article 155 (Kausler, clxiii). Here the law is stated regarding a widowed woman who gets married to another man within a year of her late husband's death.**

Should a woman marry a man before a year has passed from the death of her first husband, justice decrees that she cannot do this in accordance with the law. If she has

310. Kausler, I, 182, clxi has 'and likewise if he had such an intention, but now does not wish to be engaged to her'.

311. The Greek text wrongly omits 'not'. See Kausler, I, 182, clxi.

done it, moreover, that is to say she has taken another husband before a year and a day have passed from the death of her first husband, the following punishment is to be imposed on her. Should it have happened that some person who is unconnected, that is a stranger, has died and has left her some bequest in his will, she cannot have it under any circumstances. Regardless of whether the deceased man is a relative of hers or not, the men or women who are keeping the effects of the deceased in their care should not give her anything at all. Furthermore, should she have taken something, the law decrees that she cannot keep it, but should lawfully return it to the heirs of the person who has left it to her. Should she not wish to return it to the heirs of the deceased then the church or the crown court must make her return it by law.

**Article 156 (Kausler, clxiv). Here you will hear the law regarding the other penalty which a woman who has married a man before a year and a day have passed from the death of her late husband, or who has become pregnant within this period of time, is subject to.**

Likewise, should it happen that a widowed woman marries another man within a year (and a day) of her first husband's death, the following punishment is readied for her.

If it happens that her first husband had bequeathed her something when he died, she cannot take possession of it, and if she has taken possession of it she cannot keep it. If it is in the possession of another person he is not obliged to return anything to her, but should keep whatever has been left to her by the father or mother of the deceased, or by his brother or sister, or his nephew or nieces to the second degree of kinship. Should the deceased, moreover, not have any such relations, the law decrees that everything should devolve upon the ruler of the country by law, the person upon whom everything devolves. Likewise another punishment is to be visited on a woman who married a man within a year of her first husband's death. This is that she cannot receive any part of the increase in the dowry left to her by her deceased husband, or by another on his behalf when she married him, over and above the dowry she had given him. Even if her husband had told her that she should have it were he to pre-decease her, she should receive nothing, for this would not be lawful.

**Article 157 (Kausler, clxv). Likewise, this concerns an additional punishment to be visited on a widow [who marries] before a year has passed from the deceased [husband's] death.**

Likewise, should such a woman marry [another] man before the proper time, another punishment is due for her.<sup>312</sup> This is that should some relative of hers die intestate, she neither can nor should have that which comes down to her through kinship if she remarried before the proper time. A similar punishment must be visited on a woman who has become pregnant within such a time (i.e. a year and a day) of her first husband having died, whether this was with her second husband, or with a man other than her [present] husband. For this is also right, according to justice and by law and according to the assizes of Jerusalem. Nor can she receive her dowry in order to sell

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312. Kausler, I, 185, clxv *om.* the preceding sentence.



the bequests, or the fields, vineyards, or other moveable effects, nor can she place them under her control for pricing them. The law, however, decrees that she should have the incomes of the properties of her deceased husband and the furniture of the house which she brought into it, or which he purchased for himself. The whole of what remains should belong to the children of the deceased, or to his relatives. She can take back the value of her dowry from these incomes, and as soon as she has received her dowry in this manner, she must no longer have any part of the goods of her first husband, because she took another husband before she should have, that is before the proper time passed from [the death of] her first husband.<sup>313</sup>

**Article 158 (Kausler, clxvi). Here you shall hear the law regarding the effects of the children of the first husband, and whether they have the authority to leave anything of theirs to their mother, should they fall sick and die.**

Should it happen that the son of the first husband dies having made a will, and thereby leaves any of his effects to his mother, the law decrees that he is well able to do this, and this bequest is valid as though he had given it to some strange woman, or man. Even if the mother has taken another husband, as has been stated above, the son can carry out his wishes whether he has drawn up a will or not, so long as he declares his intent in front of trustworthy witnesses, for this is what is lawful and right, according to the assizes. As for what was stated in the preceding chapter, that the woman cannot sell or give away the effects of her first husband in order to reclaim her dowry, but can only receive the rents, this is indeed the case if the things derive from the property of her late husband. If, however, these things form part of the wife's property, the law decrees that the wife is well able to do what she wants, and that this is right and lawful according to the assizes.

**Article 159 (Kausler, clxvii). Here you will hear the law regarding one who is obliged to pay for the dowry on behalf of a wife's late husband.**

Should it happen that a marriage dissolves on account of the husband's death, the law decrees that the heirs of the deceased, or those who have his effects in their possession, should return his wife's dowry. If, however, the dowry has been given to the father of the deceased, or to his mother, or to any of his relatives, it is right for all those who partook of the dowry to likewise return the dowry. Should they have died, their heirs should return it in accordance with the share of the deceased person's effects received by each of them, for this is what is right and lawful according to the assizes.

**Article 160 (Kausler, clxviii). Here you will hear the law regarding the grounds on which a wife can ask for her dowry back, and whereby she can have it even during her husband's lifetime.**

Know well that should a man who has a wife starts to gamble, to drink, to eat to excess, and to squander and destroy his property so that on account of his profligacy he becomes impoverished, the law decrees that his wife is well able to ask for his

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313. Kausler, I, 186, clxv *om.* 'that is ... first husband'.

dowry, and the husband is lawfully obliged to place her dowry or the price thereof into the hands of a capable person, or else in a place where it can be maintained for the man or woman to whom it is due. This, moreover is what is right and lawful according to the assizes and the law of Jerusalem.

**Article 161 (Kausler, clxix). Here you shall hear about one who lacks the wherewithal to pay for his wife's dowry, and whether any harm should come to him.**

Should it happen that a man receives a court order to return his wife's dowry, but is so poor as to lack the wherewithal to repay it, justice and the law decree that the husband or the wife who are due to return the dowry and who lack the wherewithal to pay for it should not for this reason be taken into custody, nor should they be fined. Instead they must pay as much as they have, and as regards the balance they should swear upon the Holy Gospels that they will give as much as they earn, living and spending frugally, and will not leave town without the spouse's permission until he or she is repaid. Let the indebted husband or wife thereby be acquitted, that is to say freed, according to what is right and according to the law of the kingdom of Jerusalem.

**Article 162 (Kausler, clxx). Here you shall hear what law is applicable regarding the gifts that a man gives his wife after the marriage, which gift is valid, and which gift is not valid.**

Know well that no man can give a present to his wife once he has married her, unless he does so on his deathbed or in his will. Should he do so in any other manner this gift must not be considered valid, because it is something that is his as much as it is hers, as though he had never given it. His heirs, moreover, can take it back from all those who have the article in their possession, unless those having it in their possession have possessed it for a year and a day without anyone having claimed it from them, or having asked them for anything, in which case they are not obliged to offer any defence by law and according to the assizes to any heir who happens to have reached his majority on that day.

**Article 163 (Kausler, clxxi). Here you shall hear about those gifts which any husband can donate to his wife, and which he can give lawfully.**

On such occasions it is possible for a husband to donate something to his wife, as when he arranges for her to have a bezant or two on a daily basis, or a silver mark, or more or less than this for her living expenses, or for bringing up her children and those under her authority, justice and the law decree that he is well able to make such a gift. It should, moreover, be considered valid, and the wife should have it for as long as her husband so wishes, while those who have the effects of her husband in their care are obliged to give her that which her husband used to give her for her upkeep, or for her children, for this is what is right and lawful according to the assizes of Jerusalem.

**Article 164 (Kausler, clxxii). Here you shall hear the law regarding marriage, and the grounds on which a couple can separate after having married.**

Should it happen that a man takes a woman and marries her, and that afterwards she contracts leprosy, or suffers many afflictions, or has very unpleasant halitosis, or a

foul-smelling nose, or urinates in her bed-clothes every night so that all her clothes are soaked in urine, the law decrees that when her husband brings his case to the church, that he does not wish to be with her any more for these reasons, the church must lawfully separate them. But first, prior to separating them, the church must take the woman and place her in a house together with three other good women, who should reside there with her for fifteen days or for a month, in order to ascertain whether what her husband maintains is true. If, moreover, it is seen and acknowledged by these women that she is indeed at fault as her husband says, it is lawful for them to separate, and the man or woman who is at fault in the manner described above should then enter a monastery. The husband, moreover, can subsequently take another wife by law, since he has separated from his first wife who has entered a monastery. Furthermore, this law applies equally as regards the husband, should he be at fault in the same manner as explained above regarding the woman, and should his wife not be at fault in any way. For this judgement should be applied, in the manner stated above, in favour of the woman, for this is what is right and lawful according to the assizes.

**Article 165 (Kausler, clxxiii). Here you shall hear the law regarding a married couple which separates on account of some impediment.**

Should it happen for a woman to become separated from her husband for any of the reasons stated above, the law decrees that her husband is obliged to give as much to the monastery which she will enter as she had given him by way of a dowry. If it happens that the monastery does not wish to take her in for this amount, he is obliged to give as much as is needed for them to take her in. If he does not have as much as she had given him by way of a dowry, the law decrees that he is not obliged [to give this much], but should give as much as he is able to give, and no more, by law and according to the assizes.

**Article 166 (Kausler, clxxiv). Here the law is stated regarding a married couple that has separated and which has children, and as regards who raises them.**

Should it happen that a man has separated from his spouse for some good reason, and that they have children, the law decrees that if these children are under-age and less than four years old,<sup>314</sup> their mother should raise them until they become seven years old. Their father should then give them money from his own means for their food, drink, clothing, footwear and all other necessities. Should the mother, however, be unwell on account of leprosy, or some serious illness, the law decrees that she should not raise any of the children, but that their father should raise them, for she might suddenly kill or maim one of the children, either on account of her illness, or due to the leprosy, which is highly contagious. Should she, however, not have either of the two ailments mentioned above, which is to say that she is neither leprous nor suffering from a serious malady, she is then well able to raise them up until the age of seven, as stated above, with the father meeting the expenses as best he can.

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314. Kausler, I, 192, clxxiv has 'less than three years old'.

Afterwards, should the father then wish to take the children into his custody, and should they not wish to go with their father, their mother too not wishing to give them to him, either because he has taken another wife or for some other good reason, the law decrees that the assessors should examine the issue and should hear the respective cases of both the father and the mother. Where, moreover, they should regard the children as being better off is where they should grant custody of them until they reach the age of twelve. They then have authority to go wherever they wish, either with their father or with their mother, by law and according to the assizes.

**Article 167 (Kausler, clxxv). Here the law is explained regarding those children who are born out of wedlock, and what rights they have over the legacies of their fathers or of their mothers, and over their effects.**

Should it happen that a man keeps an unmarried woman at his house, he himself also being unmarried, and that they have carnal relations and beget children, the law and the assizes quite properly decree that he can bequeath to his own children his legacies and his livelihood both while living and upon his deathbed. This is in accord with the law because he has no other legitimate children, nor a father or mother. He cannot do this, however, if he does have other legitimate children, or a father or a mother, should they not wish to accept this with their good graces. But should the [legitimate] brothers and sisters accept, the illegitimate brothers then can take their share along with the legitimate ones, by law and according to the assizes.

**Article 168 (Kausler, clxxvi). Title missing.**<sup>315</sup>

People cannot marry during the seventy-day period extending from the week of the Prodigal Son to the week of Doubting Thomas, nor on the days of the great litanies, or during the Rogation days, that is those of the Dragon,<sup>316</sup> nor during the other festivals of supplication organised by the church, or during the three weeks preceding the festival of St John the Baptist, nor from Christmas until Epiphany, or during the days preceding all festivals of the saints.

**Article 169 (Kausler, clxxvii). Title missing.**

No-one can celebrate a marriage on the days mentioned above,<sup>317</sup> and should he marry for some reason on one of the days declared prohibited and proscribed by law and according to the holy church of God, the law decrees that this marriage is invalid, nor can the children resulting from it be considered lawful heirs so as to receive what will come down to them. The holy church is obliged, moreover, to annul this marriage. People, however, can easily become engaged on all the days of the year, and these engagements must be deemed valid. They must not conclude the marriage vows, however, that is to say get married, except on those days allowed. Furthermore,

315. Kausler, I, 194, clxxvi is written in Latin.

316. Kausler, I, 194, clxxvi *om.* 'those of the Dragon'.

317. This phrase in the Greek translation summarizes the first six lines of Kausler, I, 194-196, clxxvii.

according to the holy customs, it is not allowed for a man to marry a woman whom he has christened in the holy church, nor should his son marry the daughter of his goddaughter. If, however, his goddaughter had daughters before she herself was christened,<sup>318</sup> he can easily marry them. According to the sacred faith, moreover, it is forbidden for a marriage between a Christian and a Muslim to take place. For it should be well understood among all people that<sup>319</sup> the wife should have one half of all the goods her husband comes into possession of after he has married her, for this is right and lawful according to the assizes.

**Article 170 (Kausler, clxxviii). Title missing.**

Should it happen that charges are brought to court, as when a woman accuses her husband of battery, or a husband accuses his wife of this before the crown court, the law decrees that this accusation should in no way be granted a hearing, nor should it be judged before the crown court. Instead the viscount<sup>320</sup> should send them before the holy church, and there each party must state its case before the other. The holy church, moreover, is obliged to chastise them, and to make peace between them. For if the husband has accused the wife, or the wife the husband, of battery before the crown court, should it happen that the husband wins his case against his wife as regards the accusations he himself has brought, or that the wife wins as regards the accusations she has brought, it is right for the party who has lost the case to pay the fines prescribed by the court. And how indeed can the wife pay the fines of the court, except with her husband's property, for she does not have anything which does not also belong to her husband, nor does the husband have anything which does not also belong to his wife. And so, for this reason, the husband and the wife cannot lose anything without the damage visited on one party being visited to an equal extent on the other party, since they hold all things in common. This indeed is why the law and the assizes have decreed that no accusation made by the wife against her husband, or by the husband against his wife, should be heard anywhere other than before the holy church, for it is an issue of goodwill. Nor should any other court other than [that of] the holy church concern itself with the matter of marriages, unless accusations of murder or of conspiracy against the crown are also brought. For if the accusations involve such issues, the law decrees that such accusations should be dealt with by the crown court by law.

**Article 171 (Kausler, clxxix). Title missing.**

If it happens that a man takes a woman as his wife together with all her rights, and once he has taken her another man or woman then comes forward and brings charges against him regarding those things he has acquired through his wife, or as regards

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318. This seems to be an oblique reference to Muslim converts, for Muslim slaves could convert to Christianity. See Schabel, *Synodicum Nicosiense*, pp. 105-107, XXVII [2], pp. 141-143, 18 [d] and p. 193, IV [j].

319. Kausler, I, 195, clxxvii *add.* 'by the sacred assizes of Jerusalem'.

320. Kausler, I, 196, clxxviii *add.* 'and the assessors'.

those things she has acquired through her husband, and brings long-running charges against her,<sup>321</sup> and if<sup>322</sup> it happens that the husband places this accusation on his wife, or the wife upon her husband, the law decrees that since one party has placed the case in the hands of the other, it cannot profit from it henceforth, nor make good any harm that arises, but that both parties are equally bound by whatever he or she are responsible for, since this is what is right and lawful according to the assizes. For this reason let the husband who places cases in the hands of his wife take great care to be certain that she will not say anything without his<sup>323</sup> consent, for if she says anything which will cause him<sup>324</sup> harm, neither she nor her husband can henceforth put right the statement she has declared.

**Article 172 (Kausler, I, clxxx). Title missing.**

Should it happen that a husband and wife have acquired houses, vineyards, fields or orchards while together, the law decrees that the wife should receive one half of all these things by rights and in accordance with the Assizes of the Kingdom of Jerusalem. Should the wife and the husband have children, moreover, these children should not sell whatever is left to them, nor should they give these goods to whomsoever they like, nor can they dissipate them on food and drink so long as the parents are alive. Furthermore, should the husband die, he can bequeath his share to whomsoever he wishes, either to his children or to others. Once he has died, moreover, his wife can do what she wants with those things that she acquired while married to him. The law decrees, however, that so long as the husband is alive the wife is not authorised to give her share to anyone, by law and according to the assizes. If, however, the husband and wife have both died and have left their houses to their children, should the latter be of age they can easily sell them and give these legacies to whomsoever they wish, each one giving his share. But should they not be of age, they can neither sell nor give their legacies to anyone. But should their father or mother have bequeathed moveable property to them, such as merchandise, precious stones, or clothes, with one of the children being of age but not the others, the law decrees that the child who is of age can easily take his share of these goods and do what he pleases with them. He should, moreover, keep the remainder<sup>325</sup> for his brothers who are under age, for this is what is right and lawful.

**Article 173 (Kausler, clxxxii). Title missing.<sup>326</sup>**

Should it happen, as is pre-ordained, that a person becomes ill and draws up a will of the things he is entitled to, and he leaves Martin 100 bezants or something else, and

321. Kausler, I, 198, clxxix *om.* 'and brings ... against her'.

322. The Greek text omits 'if'. See Kausler, I, 198, clxxix.

323. The Greek text wrongly has 'her'. See Kausler, I, 198, clxxix.

324. The Greek text wrongly has 'her'. See Kausler, I, 198, clxxix.

325. The Greek text wrongly has 'what is his'. See Kausler, I, 199, clxxx which has 'He should ... keep the remainder and save it ...'.

326. Kausler I, 200-201, clxxxii is an article on bequests given in Latin, which was not translated into Greek.

subsequently dies, and his wife does not want to give whatever her husband had decreed but denies it completely, while as his witnesses Martin has the body of Our Lord Jesus Christ and the clergyman who confessed him and granted him communion, as well as the clerk and two lay persons who are trustworthy persons of good repute, the law decrees that Martin should have the 100 bezants by law despite the wishes of the wife, since these witnesses were those then present and remembered the deceased declaring this in their presence. This, moreover, is what is right and lawful with regard to the wife of the deceased and with regard to his relatives and to all those possessing his effects, without trial by battle taking place.

Should Martin, however, have asked for a house bequeathed to him by the deceased in his will, should his wife refuse this, and should Martin have two trustworthy witnesses testifying that the deceased left it to him, the law decrees and judges that he should take the house. But should the wife of the deceased who has the effects of the dead man in her possession want trial by battle, this is lawful should the house be worth one silver mark or more, for then she can challenge or have challenged one of the witnesses to trial by battle, and whoever wins should lawfully win the case. In the case of moveable property, however, no trial by battle should be allowed under any circumstances over the will, for the defendant has the priest, the clerk and two lay witnesses to vouch for him, as stated above.

**Article 174 (Kausler, clxxxiii). Title missing.**

Should it happen that a man acquires legacies or other valuables before taking a wife, should he then take a wife, and should it happen by the will of God that he falls sick and subsequently dies without having made a will over any article, the law decrees and judges that everything which he had should lawfully go to his wife. This holds good even if the deceased had a father or mother, sons and daughters and brothers and sisters, for so state the law and the Assizes of the Kingdom of Jerusalem, that no one is a lawful heir of the deceased to the same extent as his wife.

**Article 175 (Kausler, clxxxiv). Title missing.**

Should it happen that a man or his wife have acquired heritable properties while together, and have children, and that through the will of God the wife predeceases her husband, the law decrees and ordains that the mother's share devolves upon her children, all in common. Nor can the father remove or lessen in value bequeathed to the children by their mother for any reason, other than hunger, that is to say for giving them food,<sup>327</sup> for on such grounds he can indeed sell and pledge as security that which their mother bequeathed to them so that they can eat. The law decrees that the children cannot set their share of the inheritance apart from their father's share as long as he lives, unless the father should himself wish to give it to them voluntarily.

**Article 176 (Kausler, clxxxv). Title missing.**

If it happens that a man or a woman are in possession of an inheritance, and it comes to pass that some other man or woman lodge a claim over that inheritance, claiming

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327. Kausler, I, 203, clxxxiv *add.* 'or drink'.



it to be theirs, or claiming to have some right over it, and the case is brought to court, and judgement is passed that the person in possession of the legacy is the one properly entitled to it, and afterwards it so happens that the man or woman who had lodged the claim die and their children come forward reclaiming the inheritance from those in possession of it, the law decrees that the man or woman in possession of the inheritance are not obliged to offer any reply to those<sup>328</sup> claiming the inheritance, for the defendant can show through the court that it was with its assent that he secured it despite the claims of the father or mother of the man or woman seeking it, or else he can show this through the testimony of two trustworthy witnesses prepared to testify that he won his case in court, as stated above.<sup>329</sup> He is then entitled to be absolved, or acquitted as is said, in accordance with the law and the Assizes of the Kingdom of Jerusalem.

**Article 177 (Kausler, clxxxvi). Title missing.**

Should it happen that a person dies without having confessed,<sup>330</sup> as often happens in accordance with the wishes of Our Lord, and should the deceased have neither a father, nor a mother, nor any other male or female relative, the law decrees that all his belongings should lawfully devolve upon the ruler of the country. Should, however, the deceased have been a clerk who had undergone some ordination, or else a woman who had entered some monastic order, or who had taken a monastic habit, the law decrees that all which they have, should they have died without having confessed, should be given to the Catholic Church, which is called the mother of the churches, that is to say the metropolitan see of whatever country the deceased died in. For this is right and lawful according to the Assizes of the Kingdom of Jerusalem.

**Article 178 (Kausler, clxxxvii). Title missing.**

Should it happen that a man has fallen ill, and makes a will in the presence of his wife whereby he gives away any of his wife's rights, and she suffers him to give them away without saying anything, after which her husband dies by the will of Our Lord, the law decrees and judges that the wife should not lose any of her rights on account of any donation made by her husband. For a wife is duty-bound not to anger her husband while he is ill, for should she make him angry she could be blamed for killing him on account of having angered him during his illness, and for this reason the law decrees that she should not lose any of her rights on account of having allowed him to give away part of what she was entitled to. If, however, the wife consented to everything which her husband gave away out of her entitlement in the presence of trustworthy witnesses, the law decrees and judges that thereafter all that he has given away has legal recognition, even if the whole of the gift which he made belongs to his wife.

328. Kausler, I, 204, clxxxv has 'to the children of the man or woman' instead of 'those'.

329. Kausler, I, 204, clxxxv *om.* 'as stated above'.

330. The meaning of 'without having confessed' here is intestate.

**Article 179 (Kausler, clxxxviii). Title missing.**

Should it happen, as is customary, that a man who has a wife dies by the will of Our Lord, and that the deceased owes a debt to any man or to any woman, the law decrees and judges that his wife is obliged to repay the debt owed by her husband, if she has the wherewithal. Should she not have the wherewithal, the law decrees that the court should not have her taken into custody on account of this, nor should it confiscate her cloak, her bed, or her articles of clothing. The woman is instead obliged to swear upon the Holy Gospels that she will not depart from the city without giving notice to her debtor, or to the court. Know well, moreover, that should it come to pass for this woman to take another husband, he is obliged to repay the debt that the woman owes on account of her late husband, and this is what is right and lawful in accordance with the Assizes of the Kingdom of Jerusalem.

**Article 180 (Kausler, clxxxviii, cont.). Title missing.**

Similarly a husband is also obliged to repay his wife's debts if she has borrowed the money for a good reason, as when she has borrowed it for her living expenses, or for paying the rent of the house, for her clothing, or for supporting her children for as long as her husband was out of town, or for as long as he was ill, or in prison. Should she have borrowed it, however, to give herself airs and graces, or out of malice, then her husband is not obliged by law to repay anything, except to the extent that she has been noticeably transformed or improved on account of the debt, and no more, should he not wish to, by law and according to the Assizes of the Kingdom of Jerusalem.

**Article 181 (Kausler, clxxxix). Title missing.**

Should it happen that a man or a woman are reaching the end of their life and make a will, and bequeath or leave anything moveable or immovable from their own property to their children, should they give one child more than to another child, they are well able to do this. Let their provisions, moreover, be valid and immutable by law, in accordance with whatever the father or mother have decreed and drawn up. They can make bequests, moreover, in a similar manner to any one of their relatives. They can easily do so, in accordance with their wishes, either giving more to one than to the other, or a like share to all.

**Article 182 (Kausler, clxc). Here the law is explained regarding those relatives who receive the effects of the deceased, and what they are lawfully obliged thereafter to do for the deceased, even in instances where the effects of the deceased which they have taken are not worth as much as his or her liabilities.**

Should it happen that a person has died, regardless of whether he has made a will or not, and should a man or a woman then come forward asking for the effects of the deceased, claiming to be related to him, the law decrees and judges that he or she claiming the effects of the deceased on the grounds of kinship is obliged to prove that he or she is indeed related to the deceased by bringing forward two trustworthy wit-

nesses prepared to testify before the viscount<sup>331</sup> that he is a relative of the deceased. Following this the claimant is obliged to swear upon the Gospels that he is the rightful heir of the deceased, and so help him God and all the saints whom he has invoked, whereby the law decrees that all the effects of the deceased should be handed over to him. After this<sup>332</sup> he is obliged to repay all the debts owed by the deceased, even if it be the case that the effects of the deceased which he received are not worth as much as the debt amounts to. Furthermore, he can no longer lawfully avoid payment of the debt, once he has admitted kinship and taken the effects of the deceased into his possession, for this is what is right by law and according to the assizes of Jerusalem.

**Article 183 (Kausler, cxci).** Here you shall hear the law regarding a man who has properties and who then marries a woman along with her properties, and who subsequently falls into debt, regarding which properties should be sold first for repaying his debt, and which should not be sold first.

Should it happen by some chance that a man has properties, and his wife likewise, and it happens that he is at risk insofar as he has fallen into debt, lacking the wherewithal to repay his debt, the law decrees and judges that he neither should nor can sell his wife's properties first in order to repay his debt. On the contrary, he is obliged first of all to sell his own properties and pay off his debts. Should he moreover be unable to repay all of his debts from the sum total of his property, the law quite properly decrees and judges that he can sell as much of his wife's property as is necessary for fully repaying his debts. For this is what is right and lawful, that the debt of the husband should be repaid by the properties of the wife, and that the debts of the wife should be repaid by the properties of the husband.

**Article 184 (Kausler, cxcii).** Here you shall hear the law regarding a man or a woman who is in debt, who makes a will towards the end of their life and bequeaths part of the property of a stranger who is unrelated to him, and whether the said will is valid or not.

Should it happen that a person holds the property of another in trust, or by way of a loan, which he does not return, and he then makes a will on his deathbed, or leaves part of the other person's property to the priests and clerks for the good of his soul, the law decrees and judges that this will should have no validity. Indeed, once the claims are submitted to court by the creditors, the viscount is obliged to go there and impound all the effects of the deceased, to have them sold, and to sell as many effects as is necessary to pay off the debt first and foremost. Afterwards, should anything remain,<sup>333</sup> then let his will be validated regarding whatever he bequeathed for the good of his soul. For it is neither right nor lawful for any man or woman to bequeath legacies or gifts from the belongings of another.<sup>334</sup>

331. Kausler, I, 209, *cxc add.* 'and the assessors'.

332. Kausler, I, 209, *cxc add.* 'the law decrees that the person who has received the effects of the deceased is ...'.

333. The Greek text here repeats the words 'from those things for the debt to be repaid first and foremost, and then if anything remains', which I have omitted from the English translation.

334. Kausler, I, 211, *cxcii* has '... from the property or the things of another'.

**Article 185 (Kausler, cxcii). Here you will hear the law regarding one who has died intestate and without making his final confession, who has no father, or mother, or any other relative in the country, and for how long the court should have custody of his effects, before they are lawfully handed over to the ruler.**

Should it happen by some chance that a man or a woman suffer some illness or some misfortune whereby they die without having made a final confession, and without making a will, and should this man or woman who died without confessing not have any male or female relative in the country, but only overseas, the law decrees and judges that the ruler should come into possession of everything which the deceased man or woman had, as stated above, and should keep it until a year and a day have passed. Should a man or a woman come forward within the year and the day who are able to prove with two trustworthy witnesses that they are relatives of the deceased man or woman who died at the time, the law decrees and judges that the court is obliged to hand over all the effects of the deceased, and so long as this male or female relative came forward and made a claim before<sup>335</sup> a year and a day have passed since the death of his [or her] relative.

Should a year and a day have passed, however, since he died, the law decrees and judges that since a year and a day have passed since the death of the man or woman who died, as stated above, the court is not obliged in any manner to return anything to any male or female relative who came after the year and the day to ask for something. Instead it should all lawfully devolve upon the ruler, since the year and the day have passed. Should the legacy be of such a kind that the articles in question cannot be taken care of for a year and a day without being ruined, or without losing a great deal of their value, the law decrees and judges that when the things are brought to court the viscount along with two assessors have good authority to have sold forthwith, by public auction, all the effects of the deceased. The sum of money obtained, moreover, should be kept until the time stated above, for until a year and a day have passed they do not belong to the ruler, neither by law nor according to the Assizes of the Kingdom of Jerusalem.

**Article 186 (Kausler, cxci). Here you shall hear the law regarding one who asks for that which has been bequeathed to him by the deceased on his deathbed, and in what manner he must prove with witnesses that he was left whatever he is asking for.**

Should it happen that some man or woman asks for the inheritance bequeathed to them by another on his deathbed, the law decrees that the person seeking the legacy in accordance with the will should prove that the deceased made a will and that the legacy is included in the terms of that will. He should claim it, moreover, by producing at least two witnesses, and should it be the case that he cannot offer proof, he should then not be believed over any article that he has claimed by the terms of the will. If the man (or woman) claiming the article simply states that the deceased left it to him on his deathbed, the law decrees that this must be proven by the bringing

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335. The Greek text omits 'before'. See Kausler, I, 212, cxcii.

forth of three trustworthy witnesses who heard the deceased say that he had left the claimant the legacy which he is seeking, and he should thereby have it. If the claimant has no witnesses and does not seek the legacy through witnesses, but simply states that the deceased left it to him in the presence of any of his relatives, and should the relatives verify it and state that the article of the deceased which the claimant wishes to receive is truly his, then the claimant should have that which he is asking for. Should the relatives maintain, however, that the deceased did not grant this gift or legacy in the presence of as many witnesses as are required by law and justice, and so wish to give the claimant nothing for this reason, all these assertions are of no avail to them, since they have admitted that the deceased gave the legacy in front of them, and they are obliged by law to give him that which they have mentioned. Should they, however, not have acknowledged any bequest, maintaining instead that they have heard nothing, and the claimant has no witnesses, the law decrees and judges that these relatives of the deceased man or woman are obliged to swear upon the Gospels that they did not hear the deceased bequeath that which the claimant, man or woman, is asking for, nor did he leave it to them, and he thereby forfeits whatever they are claiming by law, since the claimant has no other supporting testimony over what he seeks. Should these relatives of the deceased, or even persons who are unrelated, but to whom the deceased man or woman bequeathed all that he had, happen to be unwilling to take an oath in the manner stated above, the law and the assizes decree that they are obliged to hand over that which the claimant is asking for, since they are unwilling to testify. Should they testify, however, in the manner stated above, they are absolved, or acquitted as is said, by law and according to the Assizes of the Kingdom of Jerusalem. Should it happen, moreover, that the relatives of the deceased man or woman do not acknowledge other than one half of whatever the claimant is seeking, the law judges and decrees that they are obliged to hand over the whole of what they have acknowledged, and as regards the other half they must swear upon the Gospels that it was not bequeathed to him, and are thereby acquitted. Should they not wish to take an oath, they are obliged to hand over all which the claimant, man or woman, is seeking, for this is what is right and lawful. There should, moreover, be no difference regarding this judgement if the claimant is either a male or female relative of the deceased or if the deceased has made an unrelated man or woman a relative and wished to bequeath a legacy to them.

**Article 187 (Kausler, cxcv). Here you shall hear what law is applicable regarding a legacy bequeathed by a wife on her deathbed to her husband, on condition that he does not take another wife,<sup>336</sup> and whether it so happens that such a bequest is valid, or not valid.**

Should it happen by some chance that a woman who has a husband, and who predeceases her husband, gives or bequeaths her husband something which is exclusively hers, not something belonging to her husband by right nor something among those things which were due to enter into her husband's possession, on condition that her husband should not take another wife, the law decrees and judges that this bequest is

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336. Kausler, I, 215, cxcv *add.* 'and he then takes another wife'.

valid. Her husband, moreover, should have it as soon as his wife dies, and is able to do what he wishes with it as though it were his. But should he subsequently take another wife the law decrees and ordains that the relatives of his former wife are well able to ask him to return the bequest that the wife gave him, and he is obliged to return it to them. Should his former wife have no male or female relative, the law decrees and judges that this bequest should lawfully devolve upon the ruler of the land. Furthermore, should it be the case that those receiving the effects of the deceased wife are unwilling to grant the bequest to her husband, unless he should first offer them guarantees, justice and the law decree that the husband is obliged to offer guarantees to the relatives of the deceased wife out of the legacy he wishes to take possession of, or else to swear upon the Gospels that he will return to them the things he wishes to obtain along with all the goods deriving from the bequest, should he take another wife. Above all, moreover, he has to offer securities upon all his possessions that he will not remarry, and<sup>337</sup> will remain in his present condition, as stated above, for this is what is right and lawful, whether the article is moveable or fixed.<sup>338</sup> Should he, moreover, not wish to place all these things under obligation after the fashion stated above, or should he have nothing manifest, the law decrees that he must offer good guarantors before the court for the donation which he is about to obtain, on account of the law stated above.

**Article 188 (Kausler, cx cvi). Here you shall hear the law regarding donations made at the point of death, out of which the effects of the deceased are kept as security for the beneficiary until he is repaid.**

Should it happen that a man or a woman reach the point of death and bequeath anything to anyone, the law decrees and specifies that all the possessions of the deceased are to be held as security until the beneficiary is repaid. Should the man or woman who have the effects of the deceased under their authority and supervision do not wish to repay him, and claims are brought before the court, the law decrees and specifies that the viscount should impound such articles from the belongings of the deceased as are sufficient for repaying him. If, moreover, he has not been repaid within seven days from when the court impounded the articles, because those holding the effects of the deceased under their supervision did not despatch repayment within this period of seven days, the law decrees and specifies that from the period of seven days onwards the court is empowered to sell the effects of the deceased as an abandoned security, since the court had left the effects in their care so that they could repay him, but they did not do so. The court can then sell [the effects] as a forsaken security, and whoever offers the most should take them. After that it should pay him, and should anything remain it should be returned by law to the custodians of the deceased. Should it not be possible to repay him from the things impounded by the viscount, the law decrees that he can easily turn to the remaining effects of the deceased and sell as many as are required until he is repaid, for this is what is right and lawful.

337. Kausler, I, 216, cx cv om. 'that he will not remarry, and'.

338. The Greek text omits the words 'or fixed'. See Kausler, I, 216, cx cv.

**Article 189 (Kausler, cxcvii). Here you shall hear the law on gifts bestowed by a husband on his deathbed to his wife, what gift is valid or is not valid, and should not be kept.**

Should it happen as is customary that by the will of God the husband of a woman reaches the point of death and says the following, 'I leave my wife the dowry which she has given me', the law decrees and specifies that such a gift should never enjoy validity, for it is no gift given that there is no specific price attached to it, as would be the case if he said 'I bequeath to my wife my house for her dowry', or 'I bequeath 100 bezants to her',<sup>339</sup> or '[I bequeath] 100 bezants<sup>340</sup> to be drawn from all my possessions', or 'I bequeath to her what is written down in my will for her dowry'. The law decrees that such a donation is truly valid, even if it should be the case that his wife did not give him any dowry [when marrying him], for this is what is right and lawful according to the assizes of Jerusalem.

**Article 190 (Kausler, cxcviii). As regards the writer of wills, and who should draw them up.**

Know well that justice and the law decree and judge that no significance should be attached to the person writing the will, whether it be the person making it, or someone else, other than the fact that the assizes decree that the person drawing up the will should not be a relative of the person who is making the will. No significance, moreover, should be attached to whether the will is written on tawed leather, or on parchment, or on a board, or even on a waxed tablet. So long as the letters are legible and trustworthy witnesses are present it should be valid, for the strength of the will rests exclusively on the witnesses.

**Article 191 (Kausler, cxcix). Likewise regarding the witnesses who should be present when the will is made.<sup>341</sup>**

The law, justice and the assizes decree and judge that such witnesses must be present when the will is made as will ensure its validity. For it is not right to have a woman as a witness, nor a male or female slave, nor a person who is mentally deficient, nor a person who has been convicted by the authorities of having committed some wrongdoing, or theft, or who has lost the right of audience before the court for some faithless act. Furthermore, it should not be a person under fourteen years of age. None of the persons who have been described should participate in making the will. Should it happen that they are present, the law decrees that no credence should be given to anything they say, and should more than one of any such persons have been present, this will should not have any validity whatsoever, by law, nor should it be adhered to. Instead, the law and the assizes decree that he or she who knowingly placed or appointed such witnesses in making their will, and who then died leaving behind no male or female relative, should have all their possessions specified in this

339. Kausler, I, 218, cxcvii *om.* 'I bequeath 100 bezants to her'.

340. Kausler, I, 218, cxcvii *add.* 'or 1,000 bezants'.

341. Kausler, I, 219, cxcix *add.* 'and not others'.



will made over to the ruler of the country, except for the alms mentioned in the will which should be made over to God. The other things, moreover, which were bequeathed to anyone should devolve upon the ruler, other than the alms for God, as has been stated above. If, moreover, he or she making the will had a father, or mother, or any other relatives, the law decrees that everything that he apportioned in this will, other than the almsgiving, should be divided equally between them. Nothing however should be omitted on account of the defective will he (or she) had drawn up. If moreover he had the proper witnesses, such as are required, then regardless of whether he made his final confession or not the law and the assizes<sup>342</sup> decree that everything which has been apportioned in his will should be legally recognised, so long as it derives from his own belongings, and not those of others.

**Article 192 (Kausler, cc). Regarding a baptised man or woman (i.e. converted and manumitted slaves) who die and make a will, and what rights over their goods are enjoyed by the man or woman who either had them converted to Christianity, or who had them freed.**

Should it happen that a male or female slave whose master or mistress had them converted to Christianity and freed them came to the point of death and made a will, the law decrees and judges that the master or mistress of this christened former slave, male or female, thereafter have no rights over the effects of the christened former slave in violation of his or her wishes, once they have made a will, and regardless of whether they have children or not.<sup>343</sup> Even if he (or she) did not make a will, but has children, the law decrees that everything which the christened former slave, male or female, should acquire following their manumission, without using the resources of their master or mistress, but by their wits or good fortune, or through acquiring a dowry from a wife, should by law go to their children. Should the former slave have no legitimate children, but have acquired children by the woman he loved, the law decrees that this christened former slave, male or female, is obliged on his deathbed to bequeath one third of all his possessions in real estate and moveable goods to the mistress (or master) who set him free. From the two thirds remaining to him he can do as he pleases. Should he, however, have left nothing to his master, or to his mistress, the law decrees that the master or mistress of this former male or female slave who was christened can take one third of all the goods from all those men and from all those women to whom he had given what was his, irrespective of whether a will has been made or not, within a year and a day of the death of the christened man or woman. For once a year and a day have passed, those having the effects in their possession are not obliged to hand over anything to anyone, according to the law and in accordance with the assizes of Jerusalem. This right, as has been explained, which the master or mistress of the christened man or woman enjoys over his or her goods, is likewise enjoyed by the children of the master who owned the christened former slave, once their father and mother have died, and they should divide the proceeds equally among themselves, for this is what is right and lawful.

342. Kausler, I, 220, cxcix *add.* 'of the kingdom of Jerusalem'.

343. The Greek text omits 'or not'. See Kausler, I, 221, cc.

**Article 193 (Kausler, cci).** Regarding one who is christened and who dies without making a will and without children, and to whom all he has should belong.

Should it happen by some chance that a christened man or woman die without having made their final confession, without making a will and without children, the law decrees that all their possessions should devolve upon the man or woman who had them freed, or to their children, if those who had manumitted them are no longer alive. Should the christened man have a wife, the law decrees that she should have back her dowry from among the effects of her husband, and that the remainder should go to the man or woman who had granted her husband freedom. Should the woman have no dowry of any kind, on account of not having given anything to her husband, who had taken her for the good of his soul and for God, the law decrees that this wife should obtain all the furnishings of the house and all the moveable effects, and that the remaining effects should go to the man or woman who had granted the deceased man his freedom, or to their children. But if those who enfranchised them, or their children or grandchildren are no longer living the law decrees that everything which he or she possessed should belong to the ruler of the country, by law and according to the assizes.<sup>344</sup>

**Article 194 (Kausler, ccii).** Here are stated the grounds on which a male or female slave is reduced to servitude following his or her emancipation.

Should it come to pass that a christened man or woman following their emancipation commit some reprehensible act against their master, or their mistress, or against their children, they should be reduced to their initial state of servitude. This would happen if the christened man or woman were plotting to batter or to kill their former master or mistress, or their children, or else had committed a shameful deed against them, such as hitting their master, or causing grievous harm to him or to their mistress, or to their children, or committing some other misdeed. The law decrees that the christened man or woman committing against his master or his mistress or the children thereof any of the things mentioned above are reduced to servitude and must work for their master or mistress for as long as the latter might wish, but they cannot be sold on account of it. Since the christened man or woman are reduced to servitude on account of their misdeeds, the law decrees that if the christened man or woman had children while they were free, or if the woman became pregnant at that time, those children should not be reduced to servitude but should be free as though they had been born of a free woman, for the misdeeds of the father or of the mother should not bring any harm to the children, or to the person about to be born, according to the law and according to the assizes of Jerusalem. Know well, moreover, that all these rights we have explained to you over the persons of male or female slaves require the proof of witnesses prepared to testify as regards what the male or female slave have done, should the latter be predisposed to deny the offence they have committed against their master, or against their mistress, or against the latter's children. For without two witnesses, once they deny the deed it is impossible for anyone to ascertain the truth.

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344. Kausler, I, 223, cci *add.* 'of the kingdom of Jerusalem'.

**Article 195 (Kausler, cciii). Regarding one who makes his slave his heir, and what the slave is thereafter obliged to do, whether he wants to or not.**

Should it happen that someone makes his slave his heir, this can easily be accepted and such an heir is a valid heir. The law decrees that this heir is obliged to take possession of his master's inheritance as soon as the master dies, whether he wishes to or not. The law decrees that he is emancipated forthwith, even if his master did not declare that he should be free. For the law and the assizes consider and judge that this was the will of his master in making him the heir to all his goods. It also decrees and judges that this slave, male or female, who has become the heir of his (or her) master, or of his mistress, is obliged to repay everything owed by his master,<sup>345</sup> who nominated him as the heir of all his goods. Should things turn out in such a manner that what he received from his master or from his mistress is not worth as much as is owed, then the law rightly judges that this slave is not obliged to pay any more than what the property of his master or of his mistress which he has inherited is worth, and no more. Furthermore, should he not wish to pay off the debts of his master he is well able to hand over the houses which he has received from his master, or other things, whatever these might be, to the creditors<sup>346</sup> so that they can do what they want, and he is absolved thereafter. Everything that this slave acquires following the death of his master, moreover, should all be considered as being his own. Neither can his master's creditors<sup>347</sup> ask him for anything, nor is he himself under any obligation to give them anything, unless he should wish to do so out of the kindness of his heart, should it be the case that the creditors<sup>348</sup> have not been repaid from the effects of the deceased, this moreover being what is right and lawful according to the assizes.<sup>349</sup>

**Article 196 (Kausler, cciv). When is it the right time for a master to emancipate his slave, and in what manner is it possible and fitting for a person to emancipate his male or female slave.**

There are many ways in which a master or mistress can confer freedom upon their slaves. Should the master or mistress declare in front of two or three witnesses 'I give you freedom before God, and hereby command you to be released', the law decrees that they are thereafter obliged to emancipate him (or her). Should the master or mistress, moreover, have a charter of freedom drawn up, this too is valid, and they are obliged to emancipate him, even if it were the case that they were out of the country when they drew up this charter of freedom. Freedom can also be conferred following the master's death, or in his will, or even without a will,<sup>350</sup> and it should be valid, so long as two or three witnesses are present. This, moreover, is what is right and law-

345. Kausler, I, 225, cciii *add.* 'or mistress'.

346. The Greek and French texts both wrongly have 'debtors', but creditors is clearly what is meant.

347. See the preceding note.

348. See note 346.

349. Kausler, I, 226, cciii *add.* 'of the kingdom of Jerusalem'.

350. Kausler, I, 226-227, cciv *om.* 'or even without a will'.

ful<sup>351</sup> according to the assizes of the kings and of the honourable men who promulgated them.

**Article 197 (Kausler, ccv). Regarding one who has pledged his slave as security to another but who wishes to free him, and whether he can do so or not while he is held as security.**

Should it happen that a man or woman pledge their male or female slave as security to another, and the person placing his slave as security then wishes to free him, the law decrees and judges that he cannot free him without the consent of the man or woman holding the slave as security, should he not wish to repay his debt. This is the case if the slave was pledged as a security for the debt without anything else having been pledged. If, however, the slave was pledged as security along with many other things which are worth more than the sum of the debt, or if the slave was not pledged for the whole sum of the debt, his owner can easily free him, should he wish to, and this is lawfully valid even if it goes against the wishes of the person holding the slave in his custody as a security. Should the person holding him as security, moreover, not be fully repaid from among the other things he holds as security for the debt, should the debtor not repay him, or not be completely absolved from his liability, the slave remains as a security until the creditor is repaid, should he not want to release him. His master, moreover, is obliged to redeem him as though he had never granted him his freedom. Likewise a man can easily free a male or female slave whom he has acquired through marriage, whether his wife agrees to this or not, so long as the man has as much as enables him to pay for the chest, that is to say his wife's dowry. All men, moreover, who have reached the legal age of fourteen, and all women who have reached the age of twelve, are well able to make a will and thereby free their slaves by law, and whatever they decide once they have reached their majority is valid.

**Article 198 (Kausler, ccvi). Regarding one who is free and who allows himself to be sold of his own free will to the Muslims as a slave.<sup>352</sup>**

Should it happen that a man who has reached the age of fifteen allows another to sell him like a Muslim (i.e. a slave) in the city, with part of the sale price going to the vendor and the remainder going to the person sold, the law decrees and judges that he should become a slave for the remainder of his life to the man or woman who has purchased him, and he can no longer call himself a free man. Should the person sold, however, not have received part of the sale price, and should the man or woman purchasing him have known well that he was free, the law decrees that he is not reduced to slavery on account of that sale. On the contrary, the person who sold him is obliged to return to him whatever sum he received for himself for that sale, for the person who suffered himself to be sold did so on account of great distress which he suffered through hunger, and the man or woman who purchased one whom they knew to be a

351. Kausler, I, 227, cciv *add.* 'according to the law of Jerusalem and ...'.

352. Kausler, I, 228, ccvi *add.* 'and what law should be applied here'.

Christian (i.e. a free person) must lose by law what they have given. The person who sold him, moreover, is obliged to work for the ruler for as long as one has to work or for as long as a servant would have to serve for the money obtained, that is for the money received through the sale. Furthermore, the court is well able to keep the seller in custody if it does not have a good opinion of him, until he repays through his labour whatever he is obliged to repay on account of his transgression, that is to say on account of his liability, or his evil intent. The court, moreover, is obliged to give him bread and water, should it not wish to give him anything else besides, for as long as he works.

Furthermore, should he not be such a person as wishes to work, but wishes to repay what is due from him, he is well able to do this according to the law. The law decrees that he should then give the court, since he does not wish to labour in person, three times the sum for which the Christian man or woman was sold, for this is what is right and lawful. Should it be the case, moreover, that he sold this Christian man or woman against their will or without their knowledge to the Muslims, the law decrees that he or she who did this should be dragged through the town and hanged on the scaffold, for this is right and lawful according to the assizes of the kingdom of Jerusalem.

**Article 199 (Kausler, ccvii). Regarding one who is keeping a stolen slave in his house after his loss has been publicised and made known throughout the city to the knowledge of the court, and what steps should be taken.**

Should it happen that a male or female slave is stolen, or is spirited away and hidden in some house, the law decrees that as soon as the court learns of this it should be made public throughout the town by the town crier. Let none be so bold as to keep quiet, or to be party to this misdeed. On the contrary, it should be made known to the master who has lost his slave, and the male or female slave who is caught remains at the mercy of God and of the slave's master. Regarding this, moreover, should the male or female slave not be returned, the law decrees that the person upon whom the stolen slave is found, and who did not take measures to return him when the order for his return was made public, should be hanged without any delay, and all that he has should be made over to the ruler by law. If, moreover, someone came across the slave in an empty house, or should it be the case that the slave was concealed, and that someone asked him who hid him, whereupon the slave cast the blame on some person, the law decrees that in no way should his statement be given any credence. Nor should any harm befall anybody, if no further confession is forthcoming, even if it were the case that he loved or hated the person whom he implicated. If, however, the slave declares 'Sir, I made over whatever I took to so-and-so', and there are many people who saw the person named communicating with the slave on numerous occasions, the law states and decrees that the person in question should be seized and kept in custody, or else he should be submitted to interrogation so as to be made to return whatever he took from that slave. If, moreover, he admits to this, then the assessors should fine him for as much as they consider the article that he has received from the male or female slave to be worth, this being right and lawful according to the assizes.



**Article 200 (Kausler, ccviii). Regarding a slave who has committed some misdeed during the time ...<sup>353</sup>**

Should it happen that a male or female slave commit some shameful or harmful act against some stranger, and then embrace Christianity (i.e. become free) the law decrees and judges that as soon as the injured party summons them to account they are obliged to make lawful amends, even if the accused were a slave when he committed the offence. Furthermore, if the former slave had stolen something while still a slave and gave it to his master, who saw and knew that whatever had been given to him was stolen, if the christened slave is then accused, the law judges that the master or mistress of this slave is obliged to return the stolen article. He has, moreover, committed a transgression to an equal degree as though he had engineered the deed by his own hand. And let the christened former slave be absolved, that is acquitted, on account of the fact that he committed this theft at the instigation of another. But should the master not have wished to derive any benefit from this theft, none whatsoever, which on the contrary was committed by the slave, and was committed moreover of his own free will, the law decrees that the master is forthwith absolved of this misdeed. As for the former slave, who is now christened and free, he is to be subject to a fine by the court of a sum equal to whatever he could receive from the proceeds of this misdeed, according to the examination and judgement of the assessors. This, moreover, is what is right and lawful according to the assizes of Jerusalem.

**Article 201 (Kausler, ccix). Title missing.**

Should some male or female slave batter a Christian, or inflict an open wound on them, the law decrees that this male or female slave should be made over to the ruler. His former master, moreover, should arrange for the wounded person to be treated, and should provide him with sustenance for as long as he is suffering from this misdeed. Furthermore, should he have died as a result of this misdeed, the slave in question should be dragged along the ground and then should be hanged. If the slave happens to be female, she should be burnt alive according to the assizes,<sup>354</sup> and as would be the case if the court had taken the slave into its possession.

**Article 202 (Kausler, ccx). Title missing.<sup>355</sup>**

Because sagacious persons have sought and asked for many rights regarding donations, they have promulgated a declaration in many instances that if the gift is made over faithfully, it should not be easily annulled. The same holds good if someone should give another person 100 bezants out of his own property, and has given them, such a favour is valid, for the person giving them does so for the sake of something. Nonetheless, in order for the donation to have greater validity, it should be done in writing if it involves a sum of over 500 gold bezants. If it involves a sum less

353. The remainder of the heading is missing from the Greek text. Kausler, I, 231, ccviii has '... he was a serf, and who has since then become free, and whether he is liable to any penalty by law or not'.

354. Kausler, I, 233, ccix has 'by law and according to the assizes of Jerusalem'.

355. Kausler, I, 233-234, ccx gives this article in Latin.

than this, it can be done without being written down. Each person can donate what is his, if, however, it belongs to another, it cannot be donated unless it is first purchased, or unless something is given in exchange for it which corresponds in price to the article given. If, however, one donates something over which one has partial entitlement, that is to say power over only part of it, nothing should be claimed as regards the remainder. Regardless of whether the article has already been given, or has simply been promised to someone, whether by the person having an entitlement over it or otherwise, it should not be sought, both by law and the according to statute where the relevant article states that a valid donation is valid from one who has a good title, rather than from one who has a claim.

**Article 203 (Kausler, ccxi). Title missing.**

Should it happen that a man or a woman make a donation to someone else, this donation is valid if possession is forthcoming. This donation is valid if the article given belongs to the donor and is something which one can give, for there are many things which one cannot give.<sup>356</sup> Both the law and justice decree that no lay person can make a gift of a sacred object, nor of one that is consecrated, that is to say sanctified, to another lay person, but only to the holy church. Should he however give it to another lay person, he or she who receives it are obliged to return it to the holy church. Likewise, no person can donate a free man or a free woman. For this reason, he or she who wish to make a gift, can and should do so from that which is their own property, that which he or she can lawfully grant possession of to the person to whom the gift is given, for no gift is valid without possession of the article given. Nonetheless, know well that the law decrees that a person is well able to grant the price of something which is not his, and this gift is then lawfully valid, as for instance if I give ten bezants to a man or to a woman because they have carried out a task for me, or if they have journeyed on my behalf to Acre,<sup>357</sup> or to some other place. Should he or she, moreover, prove unwilling and not fulfil that for which I have given them my bezants, or my money, the law decrees and judges that he (or she) is obliged to give me back double my money. Nonetheless, should they have had some good reason on account of which they were unable to do this, such as sickness, if they indeed have such grounds, then they are not obliged to give me back double my money, but only as much as I have given. If, however, it so happens that I have given ten bezants, or 100, or as much as he wants to someone in order for him to travel to Jubail, or to Nephin, in order to tend my vines, or my fields or my orchards, and he went there and did nothing, the law judges and decrees that first of all he is obliged to return to me that which I gave him to do my work. He is subsequently obliged to make good the damage which I have sustained, inasmuch as my vines or my orchards remained untended during their proper season, or my fields were not sown during sowing time, or my lands were not harvested, or my grapes not pressed when they ripened. Should I give some money to someone in order for him to go and do evil,

356. Kausler, I, 234, ccxi has 'for there are many things which men cannot give, nor women either'.

357. Kausler, I, 235, ccxi has 'to Cyprus'. The Cypriot translator changed the destination for obvious reasons.



however, and he does not obey me, I can no longer recover whatever I have given him. Furthermore, should he have committed this evil deed, or this transgression, for what I promised to give him, the law decrees that I am not obliged to give him anything should I not wish to, for this deed was against God and in violation of justice. People, moreover, are well able to give other secular persons gold, silver, houses, fields and vineyards, and all other things belonging to them. These gifts, moreover, should be deemed valid by law, so long as possession follows the gift, as has been explained above.

**Article 204 (Kausler, ccxii). Title missing.<sup>358</sup>**

One is well able to grant something that is owed to one by someone else. If, for instance, a man or a woman owe me ten bezants, or 100 bezants, I can easily give this money to a third party, whether my debtor wishes me to do this or not. The law decrees and judges, moreover, that he is obliged to pay him, since I lent him the money in the presence of two witnesses, even if it be the case that the person making the donation died before he was repaid the money owed him. Gifts can likewise be made in the following manner: 'I give you this here house, or this here orchard, or this here field after my death, or after the death of my wife, or of my relative so-and-so'. This gift is indeed valid, for the recipient took possession of it before the court, or before trustworthy witnesses. Even if the recipient predeceases the donor, the relatives of the deceased can take the gift. If, on the other hand, the law judges that he has no heirs, the debtor cannot hand it over to someone else, because since the donor is still living in the wake of the other party's death, the gift must be returned to the creditor himself. If, however, the donor predeceased the recipient, the law quite properly decrees that the recipient can do whatever he wishes with this legacy. But should the latter not have possession or tenure, the law decrees that his heirs do not thereafter have any claim upon the gift, if the donor's heirs do not wish to hand it over to them of their own free will.

**Article 205 (Kausler, ccxiii). Regarding one who gives someone else something due to him from a third party, whether the donor who is about to receive it can give it to the recipient, who receives it for himself and because the donor in turn owes it to him.<sup>359</sup>**

Should it happen that a person undertakes to do something for another person, and receives some article in return for performing this task, the law judges and decrees that he is thereafter obliged to do what was promised, as when he was given ten bezants, or more or less than this, to make a house or a well for him, or some other task. Even if he has not yet received anything for doing this task the law decrees that he is nonetheless obliged to fulfil it, since he undertook to do so in the presence of trustworthy people. If, however, he never undertook to do anything, and if the other party did not pledge what he would give him in order for him to do his particular

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358. The title of the following article corresponds to this article.

359. This heading refers to the contents of the preceding article.

assignment, as though stating 'I will give you so much, on your performance of this task', the law states that he is not beholden in any way to the other party through an exchange of words, neither by law nor according to the assizes.<sup>360</sup>

In a fashion similar to the above, it is lawful that if I promised to give you something, and I expected to give it to you, but did not give you anything, you cannot ask for something from me. Even if I gave you something, the law decrees and judges that you are obliged to return it, by law and according to the assizes. The following is also lawful, that if you undertake to lend me bezants, or some other commodity, but you do not obtain a guarantor, or some security, or a written document, or a sealed paper, the law decrees that you are not under any obligation should you not wish to lend me these things, by law and according to the assizes. Should the prospective lender have received securities, however, or the guarantors, the law decrees that he is thereafter obliged to lend me that which he promised me, and must lend it on account of the security which he received from me, and such is the law.

**Article 206 (Kausler, ccxiv). Regarding the *baillis* and the *seneschals* of the lords, over what matters they have obligations towards their lords, and over what matters their lords have obligations towards them.**

Should it happen that a wealthy man has a *bailli*, or a *seneschal*, or a female *seneschal* in his house,<sup>361</sup> the law decrees and judges that he has obligations towards his lord, or towards his lady as regards the proper administration and supervision of his properties. He must, moreover, neither give, nor lend, nor entrust nor sell anything belonging to his lord without the latter's knowledge. Should he lend any of these things, moreover, or give them to someone, without the notice of his lord or of his lady, the law decrees and judges that he is obliged to make good the whole amount, that is to pay for it. This also applies should he lose anything through his own fault, or if there existed some agreement or understanding with his lord or lady. He is likewise obliged to make good all damages and deficiencies suffered by his lord during his *bailliage* or *seneschalcy*.

The law, moreover, decrees and judges that just as he is obliged to make good anything he might ruin or damage which belongs to his lord or lady, his lord or lady are obliged to the same extent to pay him for every assignment they entrust to him in the city, until such time as they are around him, which is to say that they must pay for the bread, the monetary outgoings, the wine, the meat and foodstuffs that are of use to his lord or to his lady, and to his dependants, as well as clothing and all those things which are received in trust, which is to say they are taken from people for the household on credit. The lord or lady are obliged to pay for these things if he has not paid for them, this being what is lawful. Such goods, moreover, are entrusted by one to the lord's *seneschal*, or to his *bailli*, on account of the confidence placed in the master. For they would not otherwise entrust one *trachea*,<sup>362</sup> without receiving good

360. Kausler, I, 238, ccxiii *add.* 'of the kingdom of Jerusalem'.

361. Kausler, I, 239, ccxiv *add.* 'or outside his house'.

362. A low-value coin which was current on Cyprus during the late Byzantine period.

security, and so this is the reason why they entrust him with what is theirs, on account of the honour and good name of his lord, or his lady, or of whoever is associated with him. Because, moreover, they regard him as a trustworthy person and take no security from his *bailli* or from his seneschal,<sup>363</sup> the law and the assizes decree that the lord is obliged to pay for everything. Let every person, moreover, take good care with regard to the person to whom he surrenders the bailiwick of his house, for should he appoint a bad person the people of the city will not ever absolve the latter's evildoing even if the lord is not to blame. Even if it were the case that the lord seized the *bailli* and wished to hand him over to the creditors, so that they could take him to court and obtain justice, the law decrees and judges that all this is of no avail to the lord, nor should the creditors do this should they not want to. On the contrary, the lord is obliged to repay the creditors, and should he have anything to claim in this manner from his seneschal or from his *bailli*, whatever this claim might be, he can claim it if he wishes, and this is right and lawful according to the good customs of the kingdom of Jerusalem.

**Article 207 (Kausler, ccxv). Regarding loans taken out by sons, and whether their father is obliged to make repayment, and likewise in instances where they lose something.**

If it happens that a son who is under the authority of some person is sent on his orders to a school to learn some wisdom, the law judges and decrees that his father or mother are obliged to repay whatever he has borrowed for his upkeep or in order to pay his teacher. Likewise should a father make his son a seller of cloths or of other commodities, the law judges and decrees that the father is obliged to pay for that which has been entrusted to the son, and is also well able to receive whatever is owed to him. Should the son, moreover, have committed some wrongdoing or some theft while under his father's authority, the law decrees that his father or mother are liable in such instances to the same extent as if they themselves had done these things, and they must make repayment upon all their goods. If, however, their son is no longer under the authority of the father but is dissociated from his father's goods, either with or without a court order, and should he be of age and have taken a wife, and have begotten children, the law quite properly judges that neither his father nor his mother are thereafter liable for anything he might do, this being right and lawful according to the assizes of<sup>364</sup> Jerusalem.

**Article 208 (Kausler, ccxvi). Regarding one who is obliged to repay another within a fixed time, after which the securities decline in value, and who is liable for their depreciation.<sup>365</sup>**

Should it happen that one person owes another something corporeal, such as a horse, an ox, a donkey, a camel, or some other commodity, and they had an agreement that

363. Kausler, I, 239, ccxiv *add.* 'or his female seneschal'.

364. Kausler, I, 240, ccxv *add.* 'the kingdom of'.

365. Kausler, I, 240, ccxvi *add.* 'whether it is the lender, or the person owing something to the other party'.

the creditor be repaid within a fixed time, and it happens afterwards that the debtor does not repay him in time, but has procrastinated far more than he should have, the law commands and decrees judgement that the debtor must make good the damages sustained for not having repaid his creditor at the time when he should have repaid him. He is obliged, moreover, to repay the extent to which the commodity has lost value, and if it has depreciated in value from the time in which he should have repaid him to the time when he actually repaid him, for this is what is right and lawful. Such would be the case if you owed me wine, or oil, or wheat, and you did not wish to repay me at the time when you should have repaid me, but delayed repaying me to such an extent that the oil which was then worth 100 bezants per hundredweight was worth 50 bezants when you repaid me, the wheat was then worth three bezants per *modius*, but is now worth one bezant per *modius*, the wine was worth five bezants per butt but is now worth no more than two bezants, or it was possible for me to receive 100 bezants for this here horse, but today it is worth 60 bezants, or not even 20 bezants, or some similar case.

Furthermore, in all other cases similar to those above the debtor is obliged to make good all damages in every manner that the creditor, male or female, sustains on his account, because he did not repay them when he should have done. If, however, the time of repayment was not fixed, the law decrees that the debtor is not obliged to make good any of these things, should he not wish to. This is also right and lawful if the debtor did not make repayment in kind in the city in which the creditor lent him what was his, or in which he sold it to him or entrusted him with it, this moreover being right and lawful according to the assizes of<sup>366</sup> Jerusalem.

**Article 209 (Kausler, ccxvii). Regarding a sinful woman and whether what has been given to her can be returned or not, as well as what has been given to a third party through fear of having been caught in the act by him, and whether the donor can take back what he has given on account of this fear.**

Should it happen by some mishap, as is ordained, that a woman falls into sin on account of what is given to her, and it comes about that some knight, or squire, or burgess, whoever he be, consorts with this woman, either on his own initiative, or on hers, or for understanding or for love, and it so happens that he gives her something which is his, or has something given to her so that he can sleep with her,<sup>367</sup> the law decrees that the woman must not be put under pressure to commit sin with him, nor does she have to give back that which she has received from him, for he gave it to her to commit sin and to do evil. For this reason she is not obliged to give anything back to him, should she not wish to, by law and according to the assizes. If, however, it so happens that a person is apprehended while committing some heinous transgression, such as adultery, and on account of his fear that this will be made public he gives the other party something of his own, the law judges and decrees that even if the other party had been given what was his on account of some heinous transgression he is

366. Kausler, I, 241, ccxvi *add.* 'the kingdom of'.

367. Kausler, I, 241, ccxvii *add.* 'and she receives it and does not wish to sleep with him'.



nonetheless obliged by law to give it back, because the person who gave it did so out of fear. If, however, he gave it through shame at having been seen committing this unlawful act, the recipient is not obliged by law to return it. Likewise if he kept the company of a sinful woman on a regular basis, or even once, and he spent all he had on wining and dining her, on clothing her and buying her shoes, and did this for himself and for her, should he then quarrel with the sinful woman and ask her to give back whatever he spent on her, the law judges and decrees that he should never get back any of what he spent upon her, except by a contemptible form of justice and baseness. Should he wish to get back whatever he gave the sinful woman, it should be arranged for a Muslim to come to a house and sleep with him there with a wooden rod, of the same thickness as a man's penis, or of that of the man who wants back what was his, and it should be thrust up his anal passage for as many times as the woman declares upon her faith that the man slept with her. Once this has been done to him, the woman is obliged to give the man back everything which is discovered as having been made over to her by him. And if all the things that has been expended or consumed are not found the woman does not have to return them anew but shall remain absolved for the other services she rendered for him, this moreover being what is right and lawful according to the assizes.<sup>368</sup>

**Article 210 (Kausler, ccxviii). Regarding one who summons somebody to court over some legacy which the latter is withholding from him, and which he states as rightfully belonging to him.**<sup>369</sup>

Should it happen that one person summons another to court over a legacy, as over houses, vineyards, orchards, or fields, and the defendant responds 'Sir, I want him (i.e. the claimant) to show me where what he claims from me is located, for I have many houses, fields and vineyards in this town, and so do not know which one he wants unless he shows it to me, otherwise I do not wish to defend myself in court unless the court decides that I must offer him an answer', the law judges and decrees that the claimant is obliged to show him where that which he wants and claims happens to be. After showing him the house, or the field, or the vineyard, the court is obliged to hear the arguments put forward by both parties and to pronounce judgement in favour of the party whom they see and recognise as having the stronger case. Should the assessors, moreover, consider and acknowledge that one party has as much justification as the other party, which is to say that justice rests with the possessor as much as with the claimant of the property subject to a claim, the law decrees that each should have as much as the other out of the rents<sup>370</sup> of this house. Should they be willing and able to sell it, they should divide the money among themselves equally. If, however, the party in initial possession of it had expended something on it, such as repairing the roofs, or raising a wall, or likewise cultivating a field in order to harvest the crop, or tending the vines, or on some other worthwhile undertaking,

368. Kausler, I, 242, ccxvii *add.* 'of the kingdom of Jerusalem'.

369. Kausler, I, 242, ccxviii *add.* 'and what he is obliged to prove'.

370. The Greek text has 'goods', but rents is what is meant. See Kausler, I, 243, ccxviii.

the law judges that if he reaped any benefits from the goods of this place he should by law defray the expenses. But if he received nothing the other party is obliged to pay half the expenses, according to the law and according to the assizes.<sup>371</sup>

**Article 211 (Kausler, ccxix). Regarding one who is not allowed to plead for the rights of his wife without her, and in which instances the court is obliged to grant possession to one who claims something possessed by another.**<sup>372</sup>

If it happens that a man comes forward and summons to court another man, or a woman, stating 'Sir, I lodge a claim before you regarding Sir Martin, or regarding Dame Joan, over a house in their possession which is due to me, or which has devolved upon me from my grandmother, and I ask you for possession of it, if this be lawful. I do not wish, moreover, to lodge a claim until such time as I obtain possession of it should the court not [wish to] examine the case'. Sir Martin then responds, 'As regards this claim which has been lodged against me, I have no obligation to answer him nor to grant him possession, if the court does not acknowledge the claim, because what he is asking for is from among the rights of my wife', and the claimant says, 'I want him to be answerable to me because everything which his wife has is also his, and I speak the truth', and the defendant then replies, 'Truly all these things are mine, but because I obtained them by way of a dowry my wife does not want me to plead the case without her if the court does not allow this', the law decrees that the assessors [should examine the matter] and pronounce a ruling in accordance with the law, namely that he should not plead a case regarding his wife's legacies unless she has placed the conduct of the claim upon him in the presence of the court, for she will have to abide by everything he does. For if she acted in the above manner her husband is truly obliged to be accountable without his wife over the things which she has given to him, but not otherwise.

Once, however, his wife is with him, the court is obliged to hear her<sup>373</sup> state what she wishes to say. Should the court, moreover, be able to discern or to acknowledge that the person asking for what has come down to him is a more rightful heir than Sir Martin and his wife, the law decrees that the court is obliged to place him in possession of that over which he is a more rightful heir, for no man can have claims over his rights lodged against him without being in possession. The law subsequently decrees, however, that once he has come into possession the claimant is obliged to be answerable to all and for all which is lawfully claimed from him, for this is what is right and lawful according to the assizes.

**Article 212 (Kausler, ccxx). Regarding one who asks the wife of a deceased person for what her late husband owed him, and what law should be applied as regards such a claim.**

Should an advocate come forward and declare, 'Sir Robert is coming before the court and is issuing a summons', and he says 'Sir, I am summoning Dame Joan over the

371. Kausler, I, 243, ccxviii *add.* 'of the kingdom of Jerusalem'.

372. Kausler, I, 244, ccxix *add.* 'which has come down to him by inheritance'.

373. The Greek text wrongly has 'him'. See Kausler, I, 245, ccxix.

20 bezants which her husband owes me, concerning which I wish you to make her repay me, and should Dame Joan, moreover, be such a person as to wish to deny that her late husband<sup>374</sup> owes the said twenty bezants, I am ready to prove this in the manner recognised by the court, for I shall show either that people witnessed me lending him the money, or that they heard him acknowledge that he owed it to me'. Dame Joan then responds, 'Sir, as regards this charge which has been forwarded against me I do not have to answer to him, should the court not wish me to, and I shall tell you why. It so happened that my husband fell sick, and so he sent for his friends to come to him, which they did. Before all of them, moreover, he made his will and named all those to whom he owed money, stating clearly that he no longer owed anything to anyone, other than to those whom he had named. And because my husband made his will in this manner, in the presence of Sir Robert, moreover, without the latter asking for anything from my husband and without my husband stating that he owed him anything, I desire for this reason to remain untroubled, if the court so allows'. Sir Robert responds, 'I was indeed present while he was making his will, and I heard what he said, but he was such a close friend of mine that I did not wish to make him angry and for this reason I did not wish to ask him for anything, nor did I expect him to die so quickly. For this reason, even if I kept quiet, I do not wish to lose my 20 bezants if the court does not acknowledge that I should, for I am prepared to show with two trustworthy witnesses that I lent him the money and I wish to have it, if the court accepts this'. The law judges and decrees that on the basis of what he stated and the lady replied, the lady should remain untroubled by law and according to the assizes.<sup>375</sup> For no person should keep silent over his interests, and since he kept silent when he could have had what he wanted, he can well stay silent and never bring the matter up again. For he proved that he forfeited what was owed him when he did not ask for it during the time in which he could have had it.

**Article 213 (Kausler, ccxxi). Here you shall hear where claims should be submitted over houses, fields, or vineyards, whether this should be the locality in which these things are situated, or elsewhere, as well as what the court is obliged to do if the disputed properties are not in the place in which the claimant maintaining that they have come down to him holds property.**

Sir Mark appears before the court of Jaffa and declares, 'Sir, I submit before you a claim against Sir John, who lives in Jerusalem, or in Acre, or in any of the cities of the kingdom, over the houses he has in his possession in Jaffa, for they came down to me from my uncle, or from some other male or female relative of mine, and so summon him to come here and render justice for me at the place where the houses are'. The law judges and decrees that the viscount and the assessors must send for him three times to come and render justice at the court of Jaffa regarding what is claimed from him. When the messenger, moreover, tells him the message of the court of Jaffa, he must declare it in the presence of witnesses drawn from the people of the city in which the defendant resides. After this, should he not wish to come on being

374. The Greek text has 'master', but husband is what is clearly meant. See Kausler, I, 246, ccxx.

375. Kausler, I, 246, ccxx *add.* 'of Jerusalem'.



summoned for a third time, the law judges and decrees that the court must take possession of the houses or of the things claimed by the claimant, this being the law, until Sir John comes forward to render justice in Jaffa regarding that which has been claimed. Furthermore, he must appear before a year and a day have passed, and within a year and a day of when the court took possession of the property. For should he appear once a year and a day have passed from when it was taken possession of, the law decrees that he can no longer be lawfully granted a hearing over this case by law, and the claimant has won the case by law. But should the defendant come forward beforehand, and within a year and a day, he is obliged by law to render justice over that which is claimed by law, for the law and justice and the assizes decree that no man should submit a claim before a court of burgesses other than the one in the town where the dwellings, vineyards or fields are located, this also being what is lawful.

**Article 214 (Kausler, ccxxii). Regarding two brothers or two sisters who have not shared between them whatever they have gained or acquired together, as when the one is richer than the other, other than by what their father or mother apportioned between them.<sup>376</sup>**

If it happens that a man has children, such as two, three, four, or five sons or daughters, and their father dies without apportioning property among them in a spirit of brotherhood, and after this these brothers (or sisters) come of age and one has far more than the other, either because he earned it, or was given it, or acquired it through his good fortune, the law judges and decrees judgement that because the properties were not apportioned in court, nor did their father apportion them, the one brother is obliged to share with the other brother all that he has as soon as he is summoned to do so, and each is obliged to give to the other one half of all he has acquired from when he was born until the day on which they must share things before the court, or before trustworthy people, unless it be the case that the other brother married a woman. For the law judges that according to the assizes he is not obliged to grant to his brother a share of anything he acquired along with his wife. Furthermore, should that brother have stolen something of value and have given a share to his brother, who knew well that he had stolen that from which he had given him his share, the law decrees that he is equally liable to receive his share of the punishment for this misdeed, just as though he had gone with him and alongside him in order to steal it. If, however, he did not know at all that what had been given to him as his share was stolen, the law judges that he is not legally liable other than for [returning] what he has taken as his share, without having to undergo any corporal punishment, by law and according to the assizes.<sup>377</sup> This particular law as explained above is equally applicable to sisters so long as they are genuinely so from the same father and the same mother, and not otherwise. For if they are all from the same father and various mothers, or are all from one mother and various fathers, they are not at all obliged to share everything with each other, but only one half, as stated above. Should there

376. Kausler, I, 248, ccxxii *add.* 'and what one brother is obliged to do for the other by law'.

377. Kausler, I, 249, ccxxii *add.* 'of the kingdom of Jerusalem'.

exist a brother or a sister who was born out of wedlock, the others are in no way under obligation to him or her, but the law and the assizes quite properly decree that those children not born in wedlock need not<sup>378</sup> share things with each other in the manner stated above, by law and according to the assizes.

**Article 215 (Kausler, ccxxiii). Regarding the person who has pledged a house of his as security, or fields or vineyards, in cases where he or she who is holding them as a security claims them to be his (or hers), and what law should be applied regarding these fields.**<sup>379</sup>

Should it so happen that a summons is brought to court over this, that a man or a woman pledge a house of theirs as security, or fields or vineyards, and the person who possesses the property as security says as follows, 'the house is mine because they gave it to me', or 'I bought it', or 'I held it for a year and a day without this having been contested, and it is thereby mine by law and in accordance with the customs of Jerusalem', the law and justice decree and judge that this argument should have no validity. For a sale of burgess property cannot take place except through the court, or through the testimony of trustworthy people, for it is not valid otherwise.<sup>380</sup> For this reason, moreover, the assizes lawfully decree that if the man or woman who pledged the property as security can prove with two witnesses that they pledged it,<sup>381</sup> and that they saw the other party receive it as security, the law decrees that the creditor is obliged to restore<sup>382</sup> the security by law. Furthermore, the creditor must lose that which he lent for having wished to obtain something unjustly, through chicanery, and this has been justly promulgated in the assizes. The sum borrowed must be repaid to the court, to which it should belong. As for the borrower, should he not have witnesses that he pledged it as security, but simply pledged it in the presence of the creditor, the law judges that as the creditor cannot thereby prove that he bought the property he has to return it by law. Should the creditor, moreover, wish to prove with witnesses that he was given or sold the house in their presence, the law judges and decrees that the person to whom the house or the property belonged can challenge one of the witnesses to a judicial duel, should the creditor have such a disability that he cannot<sup>383</sup> be challenged himself. Whoever wins the duel, moreover, should also win the case by law. But know well that no duel can take place if the claim is not worth one silver mark or more, for this is the law and what is right according to the assizes.

378. The Greek text wrongly omits 'not'. See Kausler, I, 249, ccxxii.

379. Kausler, I, 249, ccxxiii has 'regarding this injustice'.

380. See J. Prawer, 'Burgage Tenure', in *Crusading Institutions* (Oxford, 1980, re-ed. 1998), pp. 260-261 for the sale on Cyprus of burgess properties, known as burgage-tenures.

381. Kausler, I, 250, ccxxiii has '... can prove it with two witnesses who saw him pledge it ...'.

382. The Greek translation wrongly has 'to ask for'. See Kausler, I, 250, ccxxiii.

383. The Greek text omits 'cannot'. See Kausler, I, 250, ccxxiii.

**Article 216 (Kausler, ccxxiv).** Here the law is stated regarding what should be lawfully done as regards one who claims that which is not owed to him, or more than that which is due to him.

Should it happen that a man summons another man or a woman for owing him something, as when he owes him 20 bezants and the creditor asks him for 100 bezants, and does this on account of his evil intent, or if he owes him a horse or some other animal and the creditor asks him for two instead of one, the law judges and decrees that he should be subject to such loss as to lose what he unjustly asks for as well as what was due to him, by law and according to the assizes.

**Article 217 (Kausler, ccxxv).** Here the law is stated regarding things that have been lost and what law should be applied, as well as [what should be done] over resident slaves who depart from the kingdom.<sup>384</sup>

It is ordained by the assizes of Jerusalem that the ownership of things that have been lost should not be transferred by anyone to another person. For at whatever place the owner can locate the moveable property that he has lost, he should be able to recover it by taking an oath. If, for example, someone has lost a horse, the assizes decree that should it happen that the person losing it finds it at some place, or in the town, or at another locality, and can produce two witnesses who saw him having the said horse under his control and in his possession at his home, he should take it back by law. Even if it be the case, moreover, that someone who lives in Jerusalem loses something of his, which they either draw or spirit away in some manner to Muslim territory, and it then comes to pass that some trader brings or draws it back to the Promised Land, or to Christian territories around it, and the person losing the article recognises it, he cannot ever recover it as a lost article because the article had been taken or drawn into Muslim territory and was then left to the Christians. Should he, however, be able to produce two trustworthy witnesses who saw and recognised him to be in possession of this article, and he swears that it was indeed his, he should have it for as much as it cost the trader who bought it in Muslim territory.

Likewise in this regard the law and the assizes of Jerusalem decree that the slave of some burgess who steals something belonging to his master, and runs away from his master, in instances where a neighbour of his takes in the stolen article, or the slave wishing to run away, or persuades another slave to run away,<sup>385</sup> he can be accused of theft if the slave's master can prove this with two trustworthy witnesses. The neighbour is obliged, moreover, to return the slave to his master or as much as his slave was worth, and as much damage as his slave had caused him.

**Article 218 (Kausler, ccxxvi).** Regarding one who has lost his animal or some other commodity and who finds what he lost on someone else,<sup>386</sup> and what should lawfully be done.

Should it happen that a person has lost an animal of his or some other moveable commodity, and it then happens that he finds this animal or this commodity<sup>387</sup> in posses-

384. Kausler, I, 251, ccxxv gives this article in Latin. The Greek text is a translation from the Latin, with some minor omissions.

385. The Greek text omits the words 'to run away'. See Kausler, I, 252, ccxxv.

386. Kausler, I, 253, ccxxvi *add.* 'that which he has lost or his beast'.

387. Kausler, I, 253, ccxxvi *add.* 'which he has lost'.

sion of someone else, the law judges and decrees that the person who has lost his article and then found it should recover it in the following manner. He should prove this by producing two trustworthy witnesses prepared to swear upon the Gospels that this animal or this commodity belongs to the person claiming it, and that they saw him holding it and in possession of it. Afterwards the person claiming the article should swear upon the Gospels that he neither sold the article, nor had it to be sold, nor gave it away, nor had it given away, nor pledged it as security, nor had it pledged as security, and neither lent it nor had it lent, but lost it in the manner declared. After this he should recover his article by law and according to the assizes.

**Article 219 (Kausler, ccxxvii). Regarding a commodity<sup>388</sup> stolen or dragged off, or taken away to Muslim territory and which then comes back into Christian territory, and what should be done.<sup>389</sup>**

Should it happen that someone has made off with the commodities or animal of some person, or has forcibly deprived him of it, or has unlawfully taken it out of the kingdom of Jerusalem, taking or drawing this commodity into Muslim territory and then bringing back this commodity or animal into Christian territory, the law judges and decrees that the person losing this animal or commodity does not subsequently have any redress. For the article was brought into Muslim territory and outside the jurisdiction of the kingdom, but with this proviso, that the person on whom the article or commodity is found should bring forward two witnesses prepared to testify as such that the commodity in question was purchased, or that the animal was drawn from Muslim territory. After this he should remain absolved, that is acquitted.<sup>390</sup> But the law likewise decrees that the person who has lost the article should have the following right. He should be able to reclaim it by paying the same sum as he can prove, either under oath or through witnesses,<sup>391</sup> that the other party paid when buying it from Muslim territory, this also being lawful. The law quite properly decrees, however, that prior to taking back the article for as much as the trader bought it for, the claimant is obliged to prove ownership by having two witnesses swear upon the Gospels that they saw him in possession of and holding that which he is claiming. Afterwards he too should swear upon the Gospels that he neither sold the article, nor donated it, nor gave it as a security, but lost it in the manner he stated. After this let him take back what is his, if he so wishes, by paying as much as the other party gave for it, for such is the law. If, however, it is possible for them to know or to discover that the person possessing the article is indeed the thief who stole it, because they saw him trailing it behind him as he was travelling, or because he can find no witness who saw him buying it, or saw him being given it in a Muslim country, the law judges and decrees that the person who lost the article should take it back free of charge, and that the thief should be hanged, and should not be given anything for whatever he has

388. Kausler, I, 254, ccxxvii *add.* 'or beast'.

389. Kausler, I, 254, ccxxvii *add.* 'afterwards to him or her from whom this article was stolen, taken or spirited away by force or by some other manner'.

390. Kausler, I, 254, ccxxvii *add.* 'by law'.

391. Kausler, I, 254-255, ccxxvii *om.* 'or through witnesses'.



brought out of Muslim territory. Everything that this thief has, moreover, should devolve upon the ruler of the country in which this wrongdoing took place, for this is what is right and lawful according to the assizes.<sup>392</sup>

**Article 220 (Kausler, ccxxviii). Here you shall hear the law regarding someone who has named the day on which he lost something of his, and what law should be applied with respect to him.**

If it happens that a certain person, should he have something which is his or his beast stolen from him, and then finds it in possession of someone else, and the person on whom it is found, moreover, asks the person who lost it 'When did you lose these things?', and he responds 'I lost them over Christmas, or over Easter', then if the person in possession of the article or of the animal can then demonstrate with two witnesses prepared to testify that they saw him in possession of the animal or the article one month before Easter, or before Christmas, then the person claiming the animal or the article should no longer have any legal case, nor should he take possession of it. But if the person in possession cannot prove that he had what is claimed before the time declared by the claimant, he must be considered by law as guilty of this theft and must receive such punishment as a proven thief would receive. This law, moreover, should be applicable as regards all moveable property that has been stolen. For if the person from whom the article is claimed<sup>393</sup> can prove with two witnesses that he had it one month before the time during which the claimant stated that he had lost it, no-one thereafter has any right to take back this article, on account of this. Nor should anyone specify the day on which he has had something stolen from him, or has been deprived of it, or has had it wrongly taken from him, for no person compels him to specify it.<sup>394</sup>

**Article 221 (Kausler, ccxxix). Regarding a man or woman in possession of something which is not theirs,<sup>395</sup> and who pledge it as a security or<sup>396</sup> attempt to alienate it in some manner so as not to be called to account for it.**

Should it happen that a man or a woman are in wrongful possession of something, knowing well that they are about to face charges regarding this object, and he [or she] give it as a security to someone else, or entrust this object [for safekeeping], or give it by way of a dowry in order to regain it, with such artifice as to remain in possession of it through another, or because they do not wish to be summoned over it by anybody, but would rather have the person possessing it face a summons, the law judges and decrees that he or she who are rightfully entitled to the object can claim

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392. Kausler, I, 255, ccxxvii *add.* 'of the kingdom of Jerusalem'.

393. The Greek translation wrongly has 'who is claiming'. See Kausler, I, 256, ccxxviii.

394. Kausler, I, 256, ccxxviii *add.* 'by law'.

395. Kausler, I, 255 *bis*, ccxxix has 'in possession of something unjustly, and because they are well aware of this they pledge it ...'.

396. Kausler, I, 255 *bis*, ccxxix has 'or sold it secretly, or gave it in marriage to one of his children or relatives, so as to be relieved of this wrongdoing'.

it from whichever of the two parties they wish. This is to say [they can claim it] either from the person initially in possession of it or from whomsoever it has been given to, or the person to whom it has been sold, or donated, or given by way of a dowry, or for safekeeping. If the claimant issues a summons first against the person who has given the object away in marriage, or under the terms of a will,<sup>397</sup> and should he win his case by law, by the judgement of the court and of the assessors,<sup>398</sup> the law decrees that the defendant is obliged to return it to him by law and in accordance with the verdict passed, even if he has meanwhile given the object to someone else. The law likewise judges that since the claimant has won his case, or lost it, he is not thereafter obliged to bring charges against the other party, neither by law, nor according to the Assizes of the Kingdom of Jerusalem.

**Article 222 (Kausler, ccxxx).** Here [the law] is stated concerning mediators, the arbitrators appointed by those who have some dispute amongst themselves.<sup>399</sup>

Should it happen that some contention arises, or some dispute over some valuables, or over some other article, and it comes about that both parties together wish to appoint two or more persons [as mediators], coming before the court to ask permission, the law judges that the court is obliged to grant them such permission. The law judges that if the two to whom resolution of the case has been assigned are unable to agree, they can summon a third capable person, or two more. When, moreover, they reach agreement over the truth in good conscience, the law decrees that the parties in dispute are obliged to abide by their judgement, that is to say to fulfil it. The party not abiding by it, so that it remains unfulfilled on account of him, is judged by law to have forfeited the justice of his case, and the other party wins his case as though this is what had been judged, or as though they had wished to judge him the winner. The other party, moreover, is obliged to pay the punishment, the so-called penalty, if such has been decreed by the mediators, and the party obliged to pay the penalty is that through whose fault the judgement has remained unfulfilled, which is to say whichever party should escape from their authority and from what they have decreed. And if they are more than four or five having in their authority the claim concerned, and they are unable to agree, the law judges and decrees that the decision reached by the majority should be abided by, according to the law and insofar as their decision accords with the law.<sup>400</sup> Should they be unable to agree, however, it is possible for the claims to be placed under the authority of the court, or under the authority of other persons, should the parties wish it, for this too is lawful and just, according to the assizes of<sup>401</sup> Jerusalem.

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397. Kausler, I, 255 *bis*, ccxxix has 'against the person who has given the object away through his evil designs'.

398. Kausler, I, 255 *bis*, ccxxix *om.* 'of the court and'.

399. Kausler, I, 255 *bis*, ccxxx has 'Here you shall hear the law on that claim which is placed in the power of two men, or three or more, and what he who does not heed their judgement should lose'.

400. Kausler, I, 256 *bis*, ccxxx *om.* 'according to the law ... by the law'.

401. Kausler, I, 256 *bis*, ccxxx *add.* 'the kingdom of'.



**Article 223 (Kausler, ccxxxi). Here [the law] is stated regarding one who has wounded his slave, whom the doctor, after examining him, agreed to cure. But afterwards the slave died because the doctor performed bad surgery on him, and how the doctor should make amends for him.<sup>402</sup>**

If it happened by some mishap that I wounded a male or female slave of mine, or even some other person, and I brought a doctor, and this doctor reached an agreement with me for a defined fee, and told me on the third day that having examined the wounds carefully he could have him healed without any trouble, and it subsequently comes to pass that he performed bad surgery on him, either because he cut him in a place where he should not have, and so he died, or because he should have lanced his wound, or his swelling or boil vertically, but he lanced it horizontally, or in a traverse manner as is said, causing his death, justice judges and decrees that this doctor should offer as compensation for the male or female slave, by law, whatever the slave was worth on the day he or she was wounded, or as much as the slave cost for the person buying him [or her]. For this is what is right and lawful, according to the assizes. Likewise the court should have the doctor expelled from the town in which he practised this bad medicine. Similarly, if my slave had an injury in a warm spot, or on a spot on which he should have placed warm objects, such as upon the brain, or upon the nerves, or upon the joints which by nature are cold for the nerves,<sup>403</sup> and this doctor now places cool objects, thereby causing his death, the law judges and decrees that the doctor is obliged to pay the price for this male or female slave, according to what is right and lawful.

Likewise, should he have a boil in a dangerous place, and should he have placed on it soft objects so as to tenderise and mature it, and so expel this malady, but instead this doctor placed warm and dry things upon it, on account of which the malady spread inwards and the slave died, justice judges that this doctor is obliged to pay me for him, by law.<sup>404</sup> Likewise should my slave have a head wound, or on the muscle of his hand, or in some other dangerous place, and should one or two days have passed before the doctor changed his dressings, and should he have placed things upon it which were so hot as to cause the loss of the hand or thigh muscles, and the wound to become gangrenous, or else this happened because it was neglected and not treated daily, and so he died, the law judges and decrees that this doctor is obliged to pay me as much as he had cost me, for this is what is right and lawful according to the assizes.<sup>405</sup> Likewise, should this doctor prove through trustworthy witnesses that the person in his care slept with a woman, or drank wine, or ate some unsuitable food

402. Kausler, I, 256 *bis*, ccxxvi makes no mention of slaves in the heading of this article, and states that it concerns all wounds in common.

403. Kausler, I, 257, ccxxxi *om.* 'for the nerves'.

404. Kausler, I, 257, ccxxxi *add.* 'Likewise if my slave have a head wound so that the bone is fractured, and the doctor does not know how to open it but treats it so that the broken bones come into contact with the brain, so that he dies because of this, justice decrees that he is obliged to offer compensation for the slave, by law'.

405. Kausler, I, 257, ccxxxi *add.* 'of Jerusalem'.

from among those he had proscribed, or had done something he should not have done suddenly, the law judges and decrees that even if the doctor treated him in other than the proper manner he is not obliged to pay anything for him, for now it is obvious and right to acknowledge that the slave died on account of doing what he should not have done and had been forbidden to do, and on account of a bad diet, this moreover being right and lawful according to the assizes.

If, however, the doctor did not forbid him to eat or drink anything, or to sleep with a woman, and the patient ate and drank to excess and was with a woman, doing moreover what he should not have done, and thereby died, the law decrees that the doctor is lawfully obliged to pay for him. For the doctor is obliged, as soon as he has seen the patient, to prescribe what he should eat<sup>406</sup> and to prohibit him from doing what is wrong, and what is bad for him. Should he not do this, and should this lead to harmful developments, the blame rests with the doctor. But should some mishap have befallen the doctor at the time when he went to treat him, or should he have been captured by the Muslims, or have fallen ill, or have undergone some other danger on account of which he could not come and see the patient, who died, the law decrees that the doctor is not under any lawful obligation to make good his loss. If, moreover, this doctor treated some free man or free woman as badly as has been said above, and they died, the law decrees that this doctor must be hanged, and all that he has should lawfully go to the ruler. Should he have taken anything from the deceased, this must be returned to the deceased's relatives from among the doctor's effects, by law.

Likewise a doctor may have treated a male or female slave of mine for a broken arm or foot, and promised to cure him properly. If indeed this were the case, because the doctor made known to him that he would treat him competently, even placing his hand on oath to this regard, and he then took him and treated him so badly with his plasters that they were of no avail, leaving the slave maimed for life, the law decrees that the doctor is obliged to take this slave and to pay his master as much as he had cost. Furthermore, should the doctor not have the wherewithal to pay in full, the law decrees that he is obliged to leave him with his master,<sup>407</sup> to whom he belongs, under the following condition. The doctor must make good the depreciation in the value of the slave, since he has been maimed through the doctor's fault. Indeed, if this maiming has taken place with respect to a Christian (i.e. free) man or woman, the law decrees that the doctor should lose his hand and suffer no further harm, other than to lawfully return anything which he might have taken from him.<sup>408</sup>

**Article 224 (Kausler, ccxxxii).** Here the law is stated regarding a knight or a burgess who sends his animal to be made well, that is to say to be healed, and the blacksmith causes it to be killed or maimed, and how he should make amends, that is to say to pay for it.

Should it happen by some mishap that some person, whoever he might be, whether a knight or a burgess, sends his beast to some blacksmith for it to be shod or healed,

406. Kausler, I, 258, ccxxxii *add.* 'and should not eat'.

407. Kausler, I, 258, ccxxxii *add.* 'or mistress'.

408. Kausler, I, 258, ccxxxii *add.* 'by law'.

and the latter treats it so badly that it is maimed, or dies, the law decrees that if the owner of the horse was a liegeman, the blacksmith should give him 50 bezants<sup>409</sup> for having killed his horse. If it were a mule or a bullock, he should give him 40 bezants<sup>410</sup> with the following proviso. The animal that has been either killed or maimed should go to the blacksmith along with the whole of its hide, by law and according to the assizes. Should it happen that the person to whom this killed or maimed animal belonged is a knight or burgess, and not a liegeman, the law judges that this blacksmith is obliged to give them another beast like the one which suffered death or maiming, or else as much money as it was worth on the day it was brought for treatment, this being what is lawful. Indeed, if the person shoeing the horse drove a nail into it, and my horse was maimed because water entered as a result of the nailing, the law decrees that on account of this wound he is obliged to pay as much money as this animal is worth,<sup>411</sup> for this is what is lawful.

Likewise, should I send my horse to a blacksmith for him to take the claws out [of its eyes], and he took them out so badly that the eyes themselves were taken out so that it no longer sees, the law judges and decrees that this blacksmith is obliged to return another animal like the first one had been, or else its price,<sup>412</sup> by law and according to the assizes. Likewise should I send an animal of mine to the blacksmith for him to cauterise it, and it so happens that he cauterises it so badly that the horse is maimed or else dies on account of this wound, the law judges and decrees that the said blacksmith is obliged to make amends for it, by law and according to the assizes. As regards all the misdeeds which a blacksmith might do to my animal, such as may take place on account of his evildoing and his stupidity, because he did not know well how to handle it, the law decrees and judges that an artisan of whatever art or craft who ruins or worsens something belonging to another should make good such damage, by law and according to the assizes, and this applies to all artisans.

**Article 225 (Kausler, ccxxxiii).** Here the law is stated as regards a doctor who comes to heal the slave of someone, who then dies on account of having had bad medicine, and how he should make amends for him, that is to pay for him.<sup>413</sup>

If it happens by some chance that a slave of mine is sick on account of an upset stomach, and a doctor comes to me<sup>414</sup> and says 'I will cure him very well', and then agrees on a fixed fee with me,<sup>415</sup> and it then happens that he gives him laxative medicines or hot substances, on account of which his liver goes rotten and goes as far

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409. Kausler, I, 259, ccxxxii has 'ten bezants'.

410. Kausler, I, 259, ccxxxii has '30 bezants'.

411. Kausler, I, 259, ccxxxii *add.* 'at the least for this maiming'.

412. Kausler, I, 259, ccxxxii *om.* 'or else its price'.

413. The corresponding heading in Kausler, I, 259, ccxxxiii reads 'Here you shall hear justice and the law on doctors and on the works of physicians who give a patient some syrup, or some medicine or medicament, causing his death by their bad supervision'.

414. Kausler, I, 259, ccxxxiii has 'comes to his master or mistress'.

415. Kausler, I, 259, ccxxxiii has 'with the master'.

down into his stomach as does his intestine, and although he should have given him drying and cold substances he never did this,<sup>416</sup> the law judges and decrees that this doctor is obliged with regard to my slave [to give a similar slave] or else his price, as much as he cost me until the day he died, and this is what is lawful and right according to the assizes.

Likewise if it happens that my slave has become ill on account of a great fever which he had within his body, and the doctor cut open his veins before the proper time, when he should not have cut his veins, and drew out too much blood so that in this manner the sick person's fever reached his head on account of the weakness caused by the fever and the cutting of his veins, so that he was driven insane and died, the law judges and decrees that this doctor is obliged by law to pay as much as this male or female slave was worth,<sup>417</sup> or as much as he cost when first bought, for this is what is right and lawful according to the assizes. If it similarly happens that a slave of mine is suffering from extreme cold, and a doctor comes forward stating that he will cure him properly and having reached an agreement with me takes him away to treat him and cure him, and it so happens that he cuts open his veins while he is cold and does this on account of his stupidity, because he did not know how to diagnose his urine, nor how to recognise it, so that the patient develops a dry cough on account of this treatment or else cannot speak, and his chest dries up on account of the cold he was suffering, and because of the cutting open of his veins performed by the said doctor, and he dies on account of this, the law judges that the doctor is obliged to pay as much as the slave had cost to his master,<sup>418</sup> by law and according to the assizes.

Likewise if I had a slave<sup>419</sup> who suffered from dropsy,<sup>420</sup> and a doctor took him in his care to cure him in accordance with an agreement concluded, but this doctor rubbed his stomach at the place where the illness was located, and afterwards did not have the sense to draw out the water which he had inside him properly, but instead drew out so much the first or the second time<sup>421</sup> that he was enfeebled, lost the use of his tongue and died, the law decrees and judges that the doctor is obliged to replace the slave, by law and according to the assizes. Similarly a slave of mine became ill through daily bouts of fever and cold, and a doctor came forward and told me<sup>422</sup> that he would cure him extremely well through administering a purgative or medicament, and took my slave in care to cure him having reached an agreement with me, but afterwards gave him the potion during early evening or at midnight. There was, moreover, so much scammony in this medicine that he died as soon as he took it, because it was so powerful, or else it entered his stomach in such a manner that he vomited all his innards, his lungs and his liver, before daybreak, and died, or even

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416. Kausler, I, 260, ccxxxiii *add.* 'as he should have, and so he dies'.

417. Kausler, I, 260, ccxxxiii *add.* 'on the day he died'.

418. Kausler, I, 260, ccxxxiii *add.* 'or his mistress'.

419. Kausler, I, 260, ccxxxiii *add.* 'or female slave'.

420. Kausler, I, 260, ccxxxiii *add.* 'that is he had a swollen stomach'.

421. Kausler, I, 261, ccxxxiii *om.* 'or the second'.

422. Kausler, I, 261, ccxxxiii *has* 'went to his master or mistress and said'.



because he did not treat the patient in the proper manner, giving him the medicine in such a manner as not to enable it to pass through his stomach. The law decrees that if he died on account of any of the reasons stated above then this doctor is obliged to offer payment by law and according to the assizes.

Likewise if a slave of mine is sick in his anal passage and a doctor comes forward offering to cure him extremely well, agreeing on and receiving a fee, and then taking him in care so as to cure him, and it so happens that he gives him a powder or some strong herb to drink, and he drinks it and dies, or else he takes an extremely hot iron, intending to cauterise the source of the trouble but without knowing how to cauterise properly, and instead he burnt the head of his intestine, taking it out and blocking it in such a manner that the patient could no longer perform his natural functions and died, the law judges and decrees that this doctor should by law be compelled to pay the master of this slave as much as he was worth.

Similarly should I have a slave sick with leprosy, or with dry flaking skin, or with some other illness, and come to a doctor, coming to an agreement with him that if he heals the slave then he can have one half of whatever I get for selling him,<sup>423</sup> and the doctor takes him in order to cure him and does what he knows, but it is of no use and the slave dies, the law judges that the doctor is in no way obliged to pay anything as regards this matter. And this because first of all he loses his labour and all he would normally have acquired, this moreover being right and lawful according to the assizes.

Likewise if a doctor had treated a free man or a free woman in such a manner, the law judges that this doctor must be hanged, and that all he possesses should go to the ruler. Before he is hanged, moreover, he should be paraded around the town holding a urinal in his hand so that others become afraid regarding such evildoing.<sup>424</sup> Know well, moreover, that all these evildoings<sup>425</sup> must be witnessed by at least two<sup>426</sup> persons before the doctors are found guilty. Should he deny having administered such treatment as has been described above, then the witnesses<sup>427</sup> must swear upon the Gospels that they saw him treat the patient in such a manner, with such medicines and such syrups, and that he died on account of these medicines and cures, and not from some other sickness, and that they also heard the patient state that his insides were disturbed,<sup>428</sup> and so he died. The doctor must then be considered guilty of this death by law, whether it happens to be that of a slave for whom he must pay, or that of a Christian, in which case he must be hanged as has been stated above, and this is what is just. For otherwise he must not be considered guilty, neither through

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423. Kausler, I, 262, ccxxxiii *add.* 'and the other half [should go] to his master who bought him'. The word 'bought' should read 'sold'.

424. Kausler, I, 262, ccxxxiii *add.* 'for this is what is right'.

425. The Greek text wrongly has 'evildoers'. See Kausler, I, 262, ccxxxiii.

426. The Greek text omits 'two'. See Kausler, I, 262, ccxxxiii.

427. The Greek text wrongly has 'ἄριτοι', meaning assessors. See Kausler, I, 265 (pp. 263-264 are not given in Kausler's pagination), ccxxxiii.

428. Kausler, I, 265, ccxxxiii *add.* 'by that which he had given him'.

the word of various people nor through that of the patient, without supplementary evidence.

Likewise a foreign doctor, that is to say one who comes from across the sea or from a Muslim country, should not treat anyone for urinary complaints until he has been examined first by other doctors who are the best in the country,<sup>429</sup> rather than this taking place on his departure.<sup>430</sup> Should he be considered fit to practise medicine the bishop should give him a mandate to practise his medicine thenceforward wherever he wishes throughout the city,<sup>431</sup> such being the law according to the assizes.<sup>432</sup> Should it happen that he does not know how to practise medicine properly the law decrees that<sup>433</sup> he should leave the city without practising medicine.<sup>434</sup> Should it happen for any doctor to practise medicine in the city without permission, the court should have him seized and paraded outside the city, by law and according to the assizes of Jerusalem.

**Article 226 (Kausler, ccxxxiv). The number of instances in which a father or a mother can disinherit their son from their possessions.<sup>435</sup>**

The first instance is if it happens by some misfortune that the son or the daughter raise their hand against their father or against their mother, and beat them. The law decrees that he [or she] is disinherited, if the father or mother so wishes

The second instance is if they commit some extremely shameful deed against their father or mother, this (i.e. disinheritance) being right and lawful according to the assizes.

The third instance is if they impute some wrongdoing upon their father or mother through the giving of false testimony, issuing a court summons against them over this and betraying them, whereby on account of what they say nothing remains other than for their parents to suffer great harm and opprobrium.

The fourth instance is if the son or the daughter has done something whereby their father or mother would have suffered death.

The fifth instance is if the son commits incest with his mother, or the daughter with her father.<sup>436</sup>

429. Kausler, I, 265, ccxxxiii *add.* 'and in the presence of the bishop of the country before whom he should be brought'.

430. Kausler, I, 265, ccxxxiii *om.* 'rather than ... his departure'.

431. Kausler, I, 265, ccxxxiii *add.* 'there where he is bound, by the letters of the bishop in which is contained the guarantee that the doctor is proven and that he can treat urinary complaints, by law'.

432. Kausler, I, 265, ccxxxiii *add.* 'of Jerusalem'.

433. Kausler, I, 265, ccxxxiii has 'the bishop and the court should command him to leave ...'.

434. Kausler, I, 266, ccxxxiii *add.* 'or if not, that he should remain in the country without practising medicine'.

435. Kausler, I, 266, ccxxxiv *add.* 'according to justice and by rights and according to the assizes of Jerusalem and according to the law itself'.

436. Kausler, I, 267, ccxxxiv has the words 'mother-in-law' and 'father-in-law' instead of 'mother' and 'father'.



The sixth instance is if the son or the daughter summon their father or mother to court openly over some issue requiring judgement, with the father or mother suffering much harm on account of the prolongation of the case effected by the son or the daughter.

The seventh instance is if the father or the mother are imprisoned in a Muslim country, and the children can well afford to release them but do not wish to do so, nor to have them taken out of gaol.<sup>437</sup>

The eighth instance is if the father or the mother is imprisoned in a Muslim country awaiting release through payment of a sum of money as bail, and they wish to offer the son as security for this money until they raise it, but he is reluctant to enter on their behalf. This is the eighth reason.<sup>438</sup>

The ninth instance is if they prevent their father or mother from making a will at the point of death,<sup>439</sup> or from making a bequest for God or for anyone else.

The tenth instance is if the son or the daughter become jugglers against the wishes of their father, or of their mother, and if the daughter commits a shameful deed and becomes a common prostitute, and her father wishes to marry her and she does not wish this.

The eleventh instance is if the father or the mother is insane, and the children do not look after them or restrain them, or do for them that which they should do for them, and on account of this [one of them] leaves the house, goes for a walk outside and breaks his spine falling over, or is wounded, or suffers some other mishap. The law then judges that the possessions of the father or of the mother which would have gone to the children had they done for them that which was right should be given by law to the ruler of the city.

The twelfth instance is if the father is Orthodox and the children are heretics, or *paterini* (i.e. Cathars).

**Article 227 (Kausler, ccxxxv). Here the law explains the number of reasons for which children can disinherit their father, or their mother.**

The number of reasons for which children can disinherit their father and their mother, and these are seven.

The first reason is if the father or the mother attempts to have their children put to death, without the latter having done them any harm.

The second reason is if the father or mother wishes to betray<sup>440</sup> their child, so that he [or she] loses what he [or she] has.

437. In Kausler, I, 267, ccxxxiv the seventh instance is given as the eighth, and *vice versa*.

438. Kausler, I, 267, ccxxxiv *om.* the preceding sentence.

439. The Greek text omits 'at the point of death'. See Kausler, I, 268, ccxxxiv.

440. Kausler, I, 269, ccxxxv has 'to poison'.

The third reason is if the father wishes to kill the mother of the children, or if the mother wishes to kill the father of the children.

The fourth reason is if the father or the mother prevented their child from partaking of Holy Communion so as not to make a will regarding that in his possession, and as a result the child died without having confessed and without receiving the Host at the point of death.

The fifth reason is if the son or the daughter are imprisoned in a Muslim country on account of their father, or on account of their mother, and they did not wish to have him released from his tribulations.

The sixth reason is if the children are Orthodox, and the father and mother are heretic *paterini* (i.e. Cathars).

The seventh reason is if the father or mother goes to a Muslim country in order to change their faith (i.e. become Muslims), or if they become Jews or Samaritans.<sup>441</sup>

Any one of the reasons stated above is a lawful and just cause for him to do so (i.e. disinherit his parents) as well as according to the law of the Kingdom of Jerusalem, for this is what the reverend King Baldwin promulgated, may God have mercy on him.

**Article 228 (Kausler, ccxxxix). Here the law is stated regarding thieves who commit theft.<sup>442</sup>**

We have become accustomed to call thieves dishonest persons who venture out, that is to say when such people covertly take things belonging to someone else, without the knowledge of the owner of the object and without his consent. Indeed those who become thieves should have three things [to their discredit]. Firstly the thing they take must belong to another, for no-one steals things from those things which are his.<sup>443</sup> Furthermore, they must take something without the consent or against the wishes of its owner, for should one take what belongs to another when the person to whom it belongs allows this, this does not then constitute theft. For he who takes what belongs to another must wish not to return it, for if one takes something belonging to another without wishing to steal it in no way does this constitute theft.<sup>444</sup>

441. Kausler, I, 270, ccxxxv has 'Muslims' instead of 'Samaritans'.

442. Kausler, I, 287, ccxxxix has 'We should speak about the thefts committed by men. That is, it is now right for you to know the laws established over stolen goods, since you have heard the other judgements over other wrongdoings'. The article and the first sentence of the heading are given in Latin.

443. Kausler, I, 288, ccxxxix *add.* 'for what is yours cannot become yours even more so'.

444. Kausler, I, 288, ccxxxix *add.* 'And if an alien object is taken away without the owner knowing this, this is not theft, for theft without effect on the person stolen from cannot be committed. The penalty to be maintained for theft should be double or quadruple, double for theft which is not manifest, and quadruple for manifest theft. Theft is to be called manifest while the thief is in flight and when he is caught with a stolen object, and as long as the thief is cried out after or throughout the day before the thief proceeds to the destination in which he will sell this object'.

Indeed, it sometimes happens that those committing theft must in no way be summoned to court, as is the case with those under the authority of their father, as well as grandsons and great-grandsons. For should it happen that the heirs take something belonging to their father or grandfather while they happen to be under their father's or their grandfather's authority, without them knowing this and against their will, they must not be summoned [to court] as thieves. Judicial proceedings against theft can occur thirty years afterwards, and even more, by law and according to legislation.<sup>445</sup>

**Article 229 (Kausler, ccxl). Here the law is stated regarding one who finds a thief in his house in the act of stealing, and how he should have him brought to court.**

Let every person know well that should he apprehend a thief stealing his things in any place where he catches him among his goods, the law judges that he is obliged to haul him before the court and turn him over to judgement along with all that he has taken. Furthermore, should it happen that he or she who apprehend the thief do not turn him over to judgement, but release him after having caught him, the law judges that he or she who have done this are obliged to suffer such a penalty as the thief himself would have had to suffer had the court seized him, for such is the law. If, however, the thief got away against the will of his captor the law decrees that the latter is not liable in any manner, according to the law and according to the assizes of Jerusalem.

**Article 230 (Kausler, ccxli). Here the law is stated regarding a thief who has come out of the house of another when the owner sensed him and shouted after him that he was guilty.**

Should it happen by some chance that a thief enters the house of some man, or of some woman, and the person whose house he has entered sensed the thief's presence and wanted to seize him, but was unable to because the thief fled, and so he went after him shouting 'catch the thief', the law judges that this thief is guilty as a proven thief, without recourse to a judicial duel. Should it happen that the thief is caught on account of the cries, and that the neighbours wish to swear honestly that they saw the thief coming out of the house of this man, or of this woman, and that he cried out after the thief, the law judges that this thief is guilty, as has been stated above. Furthermore, should it be the case that the neighbours did not see him coming out of the owner's house, but heard the latter crying out after him and saw the thief seizing the cloth he had stolen, or saw him throw it down and flee, and the thief was caught on the strength of this but denied that he was a thief, and the neighbours wish to swear upon the Gospels that they saw the thief throw the cloth down and flee, as is stated above, then the thief is guilty without recourse to a judicial duel, by law and according to the assizes.<sup>446</sup>

445. Kausler, I, 288, ccxxxix *add.* 'But because it would take too long to explain each incident of theft, we have deemed it useful to desist from [explaining] incidents of theft'.

446. Kausler, I, 291, ccxli *add.* 'of the kingdom of Jerusalem'.

**Article 231 (Kausler, ccxlii).** Here the law is stated as regards the thief apprehended in someone's house with cloth and valuables in his possession.<sup>447</sup>

Know well that should a man or a woman apprehend a thief in their own house, or in another house, and should this thief be holding some valuable on him, or some piece of cloth, and should the person apprehending the thief wish to take the valuable or the piece of cloth found on him, the law judges that he has no entitlement to this valuable. If, however, this thief has stolen something of his or has done him some damage, the court should compel him to make amends for it, that is to say to pay for the damage from among the goods of the thief, by law. All the remaining goods of the thief should be made over to the ruler of the country, by law and according to the assizes.

**Article 232 (Kausler, ccxliii).** Here the law is stated regarding a Muslim thief whose presence is sensed in some house,<sup>448</sup> from whom something is taken and to whom it should belong.

Should it happen by some chance that a Muslim thief enters the house of some person, or into his vineyard or his orchard, and his presence was sensed, following which it was intended that they should catch the thief, but they were unable to do so, and it came about that they kept something found on the Muslim thief, the law decrees that everything which was kept which had been found on the Muslim thief should be made over to the ruler of the country. For the ruler is obliged to make good the damage which this Muslim has done to the owner's property, which is to say that in truth he is obliged to make amends for it, and must pay for the damage done to him to the extent of whatever value the articles kept from the thief have, and no more, but only what is in accordance with the law and the assizes. If, moreover, the things which have been kept from the thief are worth more than the damages, the surplus should belong to the ruler, and if they are worth less, the ruler is not obliged to offer anything over and above for these damages, but no more than what has been stated above, for this is the law.<sup>449</sup>

**Article 233 (Kausler, ccxliv).** Title missing.

Should it happen by some chance that some valuable was stolen, and that afterwards this valuable was found on some man or woman, and they ask the person on whom this valuable has been found where he acquired it from, and he says 'I bought it', and they ask him 'From whom?', and he states that he does not know the person from whom he bought it, the law judges and decrees that if<sup>450</sup> the person who found the object which was his can prove it by producing two trustworthy witnesses prepared

447. Kausler, I, 291, ccxlii has 'Here you shall hear to whom that which the thief has on him should belong, whether to the person apprehending him or to the court'.

448. Kausler, I, 292, ccxliii *add.* 'or garden', and omits the remainder of the sentence.

449. The last sentence is not found in the Greek text, but has been added from Kausler, I, 292-293, ccxliii.

450. The word 'if' is omitted from the Greek text. See Kausler, I, 293, ccxliv.

to swear upon the Gospels that they saw him in possession of and holding this valuable, and that it had been stolen from him, he can take it back in the following manner. Let him swear upon the Gospels that this valuable was stolen from him, and that he neither sold it, nor donated it, nor pledged it as a security, nor lent it, but lost it through theft as he has stated. By doing this let him take back what is his or his valuable freely. Furthermore, after this the person on whom the valuable was found is obliged to swear upon the Gospels that he neither stole this valuable, nor acquiesced in its theft, nor did he to his knowledge buy it from a thief. If, moreover, he can recognise or see the person who sold him this object he will do all in his power to bring him to court, for this is what is right and lawful according to the laws of Jerusalem. Let him, moreover, lose all he has given if he buys another stolen article. If, however, he knows the person who sold it to him, the law judges and decrees that the seller is obliged to make good and true that which he sold him, and to give him back the price which he gave, for this is what is right.

**Article 234 (Kausler, ccxlv). Title missing.**

Should it happen that a person is present in court, and another person comes before him and says 'Sir, this person who is himself present is a proven and faithless thief, and I am prepared to show by bodily personal combat that is is so, given that the court deems it right that I should prove this to him, and let my pledge be held', the law judges that if the person challenged defends himself he does well. If, moreover, he does not defend himself nor gives a good pledge to defend himself, but says not a word, the law judges that he is guilty of the charge the other party levelled against him, and the law decrees that he must be judged in accordance with the evildoing he has been charged with, unless it be the case that he offers a defence, for this is what is right and lawful according to the assizes of Jerusalem.

**Article 235 (Kauler, ccxlv). Title missing.**

Sir Michael came to court and said 'Sir, I summon before you Sir Robert, who stole from me this horse which he is riding, which was mine, and I for this reason wish him to be regarded guilty of theft, if the court so acknowledges'. Sir Robert answers, 'Sir, God forbid that I be a thief, for I never stole it! Nor do I wish to offer a reply until the court decides that I must give him an answer, and let me tell you why. This horse is mine and I bought it from Sir Mark of Jerusalem with my own money'. The court must award him a fair judgement in this matter, for should it be the case that Sir Mark of Jerusalem offers testimony that he sold him this horse, the Sir Robert is acquitted by law from this accusation of theft. After this, moreover, Sir Robert can summon Sir Michael by law with regard to the defamation and evildoing which the latter imputed him with. The law then judges and decrees that Sir Michael is liable to pay such a penalty as Sir Robert would have had to pay had he been found guilty of the theft he had been accused of. This applies to all who [falsely] accuse others, and this is the penalty to be imposed on all who [unjustly] level accusations against others. If, however, Sir Mark denies having sold that horse to Sir Robert, and Sir Robert has two witnesses ready to offer testimony that Sir Mark sold him this horse, the law judges and decrees that they pass judgement over this accusation, if it be the case that Sir Mark is guilty, that he be regarded as a proven thief, for having denied



[the truth], while Sir Robert offered<sup>451</sup> testimony in the required manner. But if Sir Robert does not have the above witnesses [to testify] that he bought<sup>452</sup> the horse, Sir Robert is thereby guilty as a proven thief for having said that another person sold him the horse, and also because he was still holding<sup>453</sup> the stolen article he had been asked for. After this let Sir Michael take his horse back freely, while the person stealing it should be hanged, according to the assizes and according to the law.

**Article 236 (Kausler, ccxlvii). Title missing.**

Should it happen by some misfortune that some person is guilty of theft or of some other misdeed and he has been sentenced to be hanged or burnt, and the viscount and assessors ask him 'where are your other partners in this evildoing?', should he name anyone the law judges and decrees that he should not be believed as regards what he says against anyone. Nor is anyone obliged to give him an answer over anything that he might say, according to the law. Furthermore, this is why the law and the assizes decree and judge that his eyes should be blindfolded when he is paraded around the city on his way to be hanged, because on seeing someone he could say that all those whom he hates or whom he finds fault with are thieves and cause some other evil and danger to them, and in this manner he can cause much harm to people of good repute, wherefrom much evil may arise thereafter.<sup>454</sup> This is why he must not see, nor must he be believed over anything that he says, by law and according to the assizes.

**Article 237 (Kausler, ccxlviii). Title missing.**

If it happens by some chance that one is caught stealing, as happens when a person apprehends a thief stealing in his own house, and having caught him comes to an agreement with this thief for the money which he takes from the thief, and he lets him go free, the law judges that he or she doing this should lose all that he has, and he must be made over to the ruler. His person moreover must undergo the penalty that this thief would have had to undergo had he been delivered into the hands of the court, and this is right and lawful according to the assizes.

**Article 238 (Kausler, ccxlix). Title missing.**

Should it happen that a male or female slave escapes from his master or from his mistress, whether he be Christian, Jewish, Samaritan, Syrian or Muslim, and having escaped and gone to a Muslim country wishes to return to a Christian country in order to become a Christian, the law judges that his former master or mistress, whoever they were, no longer exercise any authority over him since he had the inspiration to leave a bad law for the true faith. From then onwards he is the master of his person and can do what he wishes wherever he wishes, for this is what is right and lawful according to the assizes. This, moreover, is why they call the land of the

451. The Greek text is garbled here. See Kausler, I, 296, ccxlvii.

452. The Greek text omits 'he bought'. See Kausler, I, 296, ccxlvii.

453. The Greek text wrongly has 'caught' instead of 'holding'. See Kausler, I, 296, ccxlvii.

454. Kausler, I, 297, ccxlviii *add.* 'and evildoers as much as he is'.



Christians the land of the Franks,<sup>455</sup> and this is why all freedoms and every manner of good should be found there. Similarly should my male or female slave flee to a Christian country, even if he becomes a Christian, the law judges that as soon as his master or mistress is able to regain possession of him then his person reverts to servitude as it was formerly, for this is right and lawful. He can resell him afterwards to a Christian, but not to one of another faith, for this is what is right, since the slave did this (i.e. flee to a Christian country) through his evil intent, in order to escape servitude, and for no other reason.

**Article 239 (Kausler, ccl). Title missing.**

If it happens by some chance that some valuable has been stolen, and that this valuable has been given to a salesman in town for sale, and this valuable has been impounded as stolen, and the viscount asks the salesman from where he received this valuable which had been stolen, and he answers 'Sir, a certain person called Sir Martin gave it to me for me to sell it', the court should then have this Sir Martin sent for, and if this Sir Martin replies and states in the presence of the court, 'God forbid that I ever gave him this valuable for him to sell', and the viscount asks the salesman, 'Do you have witnesses to testify that Sir Martin gave this to you for you to sell?', and the salesman answers 'No Sir!', the viscount should tell the salesman, 'Well then, I seize you as being guilty of theft!'. The salesman then replies 'Sir, I would have a great deal to attend to, if for all the valuables given to me for me to sell I summoned witnesses, and so I do not wish to be considered guilty if the court does not consider that I should be guilty on account of this, for I am ready to do whatever the court resolves that I should do, for I am neither a thief nor an accomplice to theft'. The law judges that a just verdict over this issue must be arrived at, for the salesman should never on account of this be deemed guilty of theft. For no one ever admits to the bad provenance of a stolen article, and also because the salesman can in no way avoid receiving such goods, since the salesman was given this article by Sir Martin in order to sell it.<sup>456</sup> Instead the law judges that the salesman should swear upon the Gospels that he neither stole this valuable nor acquiesced in its theft, but that he had been given the article<sup>457</sup> in the manner stated above, and after that let him remain acquitted. The person to whom the valuable belongs, moreover, should thereafter take it back freely as something which is his, and this is what is lawful.

**Article 240 (Kausler, ccli). Title missing.**

Should it happen that the bees in my hives go outside and live in other hives of their own free will, the law judges and decrees that no one thereafter has any right to go and take them forcibly from the hives of some other person. For these are wild ani-

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455. The word Frank means free (*francus*) in Medieval Latin, as well as denoting the name of the Franks of the kingdom of France. See J.F. Niemayer, *Mediae Latinitatis Lexicon Minus* (Brill, 1997), pp. 451-452.

456. The words 'since the salesman ... to sell it' do not correspond to the corresponding phrase in the French text (Kausler, I, 301, ccl) where it says 'and also because the salesmen cannot secure witnesses for everything which they sell, whenever something is given to them for sale'.

457. Kausler, I, 301, ccl *add.* 'for sale'.

mals in that as soon as they leave my hive, I lose my rights of ownership until I have them living [once more] in my hives, and to no further extent, this, moreover, being what is lawful. For they are among those wild animals which go out daily to draw their sustenance from the goods things which are outside, and so all who have them enclosed in their hives can claim ownership of them so long as they wish to return. If, however, someone comes into my vineyard, this is to say my apiary, bringing a new hive which is empty and dressed with some food so that my bees which are outside will enter it, taking in this fashion all my bees, or half of them, the law judges and decrees that when the person keeping them is seized,<sup>458</sup> first of all he must return my bees to my hive along with everything which they have produced. Then the law decrees that his person should be liable to such a penalty as the assessors can judge as equal to whatever, or whatever things the bees stolen from me could have produced within the year and the day from when they were stolen, and he is obliged to return this amount to the court, by law and according to the assizes.

Likewise should my bees produce honey in the tree of another person, the law decrees that neither I nor others to whom the bees belonged have any right [over it], but that all the honey, as much as they make, should belong to the owner of the tree, and this is what is lawful, for no person can claim to recognise these bees since they all resemble each other. This is why, moreover, it has been legislated that all which is produced by bees living off other people's flowers and off other good things should belong to the person within whose field, or home, or trees they produce this honey of their own free will.

Likewise should it happen that my bees go out to some wild tree which has no owner, and should the bees produce honey there, the law decrees that every person is entitled to take part of that honey lawfully without causing harm to anybody, for this is a place common to all, from which anyone who wishes it can take the bees<sup>459</sup> and take them wherever he wishes without bringing harm on anyone, this moreover being right and lawful according to the assizes.

**Article 241 (Kausler, cclii). Title missing.**

Should it happen by some chance that certain men or certain women take or steal my chickens or my geese, even if they have wings with which to fly, the law judges and decrees that the person holding my chickens and my geese without returning them has committed theft and is obliged by law to return to me my chickens or my geese, or my dove which he has taken. If, moreover, the chicken or the goose or dove which he has stolen was worth twelve tracheae or more, the law judges that he should be put in the stocks from morning until noon, and he must return that which he has taken. If it is observed and acknowledged that the man or woman committing this theft is accustomed to commit such wrongdoings, the law decrees that he should be paraded around the town and beaten according to the law, for this is what is right. Even if it be the case that the animals as described above have wings and can fly, [the

458. Kausler, I, 303, ccli has 'the person who has done this is obliged first of all ...'.

459. The Greek text here has 'trees', but bees is what is meant. See Kausler, I, 304, ccli.

owner] does not<sup>460</sup> forfeit ownership because they go away, for the creatures are tangible and subject to possession, they recognise the home in which they have been reared and are accustomed to draw sustenance from all the fields.

**Article 242 (Kausler, ccliii). Title missing.**

Should it happen that some baron, or knight or burgess, whoever he may be, has his falcon, or his hawk, or falcon, or kestrel, or sparrow-hawk, or any other bird of any kind, and should he have released his bird for it to catch something, whereupon it so happens that the bird misses it or departs, and its owner is unable to capture it in any fashion, and he then returns to his home and maintains that he has lost it, and it so happens afterwards that this bird falls into the nets of some bird-catcher and so is taken by some person, or else he finds it hanging on some tree, or on a branch with the strings it had, and the person who found it in this state, moreover, took it in the manner described above and went in secret and sold it to someone, or else took it out of town so as to sell it without being recognised, the law judges that he is to be regarded as a thief, and whoever does such a thing must return it.<sup>461</sup> The person to whom the bird belonged, moreover, can take it back from all those persons upon whom he finds it within a year and a day from the time when he lost it and from when it was sold after having been stolen, as is stated above. The person who sold it, moreover, is obliged to return the price that he received from the person to whom he had sold the bird. The law decrees, moreover, that the vendor's person is liable to a penalty equal to the price for which he sold the bird, for it could easily be recognised that it belonged to another from the strings attached to it, or from the bells which he had found on it, or even from the fact that its beak was fashioned in a manner other than that of a wild bird. If, however, the bird-catcher on capturing the bird brought it to the place where birds are sold by custom and kept it there for three days in order to sell it openly, and it came to pass that the person who had lost it saw it there and asked him for it, the law judges and decrees that the bird-catcher is obliged to return him his bird, either because he proves through witnesses that the bird was his, or because he proves it under oath, or even because the person it was sold to swears this. After this the owner of the bird is obliged to reimburse the person who found it for its wine and for as much as he had spent on the upkeep of the bird, or on any other thing which it had need of, for this is what is right. If, on the other hand, no-one comes forward within the three days during which the bird-catcher displayed the bird openly for sale, because no-one has come forward to claim the bird, the law decrees that from that time onwards he is easily able to give it to whomsoever he wishes. The price of the bird, moreover, must be his,<sup>462</sup> without harm coming to anyone. If, however, the owner of the bird happened not to be in town during the course of those three days, and had gone out of town to look for his bird, the law judges that once he returns, finds it and asks for it, he should by law take it back and reclaim possession

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460. The Greek text omits 'not'. See Kausler, I, 304, cclii.

461. Kausler, I, 306, ccliii *om.* 'and whoever ... must return it'.

462. Kausler, I, 307, ccliii *add.* 'by law'.

of it. Nonetheless, he is obliged to pay the person who found it as much as he has spent on the bird during the days in which he possesses and watched over it, as well as much as he spent upon this bird and if he did anything for it, and for its wine, because he found it, this being right and lawful, moreover, according to the assizes. This, moreover, is what was promulgated by Fulk in the kingdom of Jerusalem, who subsequently died while pursuing a hare that he was hunting, as is explained in the Book of the Conquest of the Kingdom of Jerusalem.

**Article 243 (Kausler, ccliv). Title missing.**

Should a man or a woman lease a plot of land belonging to me so as to build a house or some other edifice upon it, and so as to give me a fixed rental price every year, and should it happen after this that they do not pay me any rent as they ought to, either because they are unable to, or because they no longer wish to take that which was built and no longer wish to maintain the rental property, the law judges that since they no longer desire to maintain this rental property the leaseholders are well able to remove the edifice in question from my land or sell it should they so wish. If the man or woman to whom the field belongs wish to give them as much as these things are worth when the latter [plan to] remove them from the field, the law decrees that the leaseholders are thereafter obliged to leave what was built in return for this price, without destroying it. Should the owner of the land not wish this to be done, but wishes when the edifice is sold to offer as much as anyone else (i.e. the highest bidder) the law decrees that he should have it for as much as anyone else might offer for it, for this is what is right. For indeed no buyer can buy the edifice located upon the land of another without the consent of the man or the woman owning the land, and this is why the owner can have it, should he so wish, rather than anyone else, according to the law and according to the assizes.<sup>463</sup>

**Article 244 (Kausler, cclv). Title missing.**

Should it happen that a man or a woman wish to rebuild and widen their house on the first floor, they can do so with the following proviso, that the overhanging part constructed on the ground-floor wall should not abut over the royal road to an extent greater than one third of the road's width, and no more. Furthermore, should it happen that a man or woman have built an overhanging balcony on their wall, and should the overhanging part abut over the road to an extent greater than one third of its width, the law judges that an injustice has been done at the ruler's expense, in arrogating the road. As regards this injustice, or wrongdoing, the whole of the overhanging construction must be demolished in such a manner as to render impossible its reconstruction, nor should it abut over the wall, this being what is lawful. For since the king allowed him to build over his road for up to one third of the width, and he was not satisfied but committed an injustice against the king by taking over his road, he should forfeit everything, by law and according to the assizes of Jerusalem.

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463. Kausler, I, 308, ccliv *add.* 'of the kingdom of Jerusalem'.



**Article 245 (Kausler, cclvi). Title missing.<sup>464</sup>**

It has been promulgated by the leaders and through mutual agreement that all who are subject to Roman law should live in peace and comfort. For this reason it has been forbidden for all living under the authority of the kingdom of Jerusalem that anyone should create a disturbance against another and to engineer harm and injustice against him, or to commit a base act against him. Instead they should be accustomed to maintain cordial relations with each other. Furthermore, should certain persons wish to go against these good customs, let them be subject to both corporal and spiritual penalties, for in accordance with the testimony of sagacious persons everything which is not in accordance with the law can be called an injustice, that is to say something done crookedly, and this is what is unjust. Often its effects last for a long time, while just as often they pass quickly. Injustice endures for long when the person to whom it is done resists it without holding his peace and contests the issue with the other party, or when one commits an injustice against someone else who is under the authority of his father, or against someone's wife or some capable person. For a father can summon the wrongdoer on his own account as well as on account of his wife,<sup>465</sup> and so the person committing the wrongdoing must and should be punished twice over. The unjust action passes quickly when the person to whom it is done does not gainsay it nor has anything to say, and who lets it pass. On many occasions the injustices are considered atrocities, as when committed against the person, in [public] places and over certain issues, as when it happens that a son assaults his father, and when a former slave rises up against his master, for which offences the son must be disinherited, and the former slave reduced once more to servitude, or when injustice is committed against the ruler. For those committing these injustices must be harshly punished and chastised<sup>466</sup> on account of the location where these take place, as when one person commits an injustice against another in the forum, or in a public square in front of many men. Such injustices, even if they be slight, should be punished harshly on account of having been committed in the sight and presence of many people, as would be the case if one person struck another in the face, or in the eye. In such instances it is true that the injustice is slight, but it must be dealt with harshly, as though a major wound had been inflicted.

**Article 246 (Kausler, cclvii). Title missing.**

Should it happen for one person to bring charges against another in accordance with the assizes of King Baldwin over assault, and should he show that the other party tore his clothes, or ripped his beard, or else shows the blood on his teeth, maintaining that it was drawn from his nose or from his hair, and he shows how the other party tore it, the law decrees that no legal case can be submitted over any of the things stated

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464. This chapter, not found in Codex One of the Assizes, is a somewhat garbled translation of the corresponding Latin passage found in Kausler, I, 310, cclvi.

465. Kausler, I, 310, cclvi has 'For the father can claim for injuries committed on his own behalf and that of his son, and likewise a husband on his own behalf and that of his wife'.

466. Kausler, I, 311, cclvi *add.* 'even if the injustice were slight'.

above regarding which the defendant denies having done them, in accordance with the law, if the flesh is not cut,<sup>467</sup> or if he has no open wound. For you should know well that people have nosebleeds or bloodied teeth on many occasions without being wounded, as well as hair-loss from their scalp, beards or bodies, without this having been pulled out, while through anger they tear their clothes without having had them torn.

On account of these things the law decrees that the viscount and the assessors should not allow legal proceedings to begin on account of such charges, which is to say that he should [not] swear upon the Gospels that he did not do these things to himself. For the person bringing charges should not do this if he does not have an open wound or if he has no witnesses regarding the accusations he is forwarding. Should he, however, have trustworthy people as witnesses maintaining that the other party dishonoured him, or punched him hard, or trampled on him, the law decrees that the viscount must have the person who did this brought forward and must have him beaten by two sergeants with rods fashioned out of ox-hide. After this he must be placed in custody and must remain there until he has made his peace with the person he has beaten without having inflicted an open wound on him. This, moreover, is what is lawful, for whoever has trampled on and battered another must undergo corporal punishment, and not a monetary fine, for good and evil come out through the body.

**Article 247 (Kausler, cclviii). Title missing.**

If it happens by some chance that one person springs upon another in order to beat him or to slaughter him, and it comes to pass that the person sprung upon defends himself so well that he maims or wounds his assailant mortally, and the assailant appears before the court, or else someone else does so in his place, and brings charges that he has died or else is so badly wounded that he cannot move, the law judges and decrees that if the person assaulted, that is the one sprung upon, can prove through two trustworthy witnesses that the wounded person had assaulted him to begin with, he should then be free, that is to say acquitted without trial by battle in accordance with the law and the assizes. But should the assailant have died, and should the defendant have witnesses prepared to give faithful testimony that he killed him while defending his person, the law decrees that he should be acquitted as regards this homicide, in accordance with the law. The law, however, allows for judicial duels, which is to say that the relatives of the deceased can challenge one of the witnesses to a duel, and whichever party loses is to be hanged by law. If, however, the dying man confessed, or others did so on his behalf, in the presence of the viscount or in the presence of the assessors that he had assaulted the defendant in the first place, and the latter who killed him has witnesses as stated above, then he should be acquitted without he or his witnesses having to fight a duel, in accordance with the law and the assizes.

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467. The words 'is not cut', are missing from the Greek text. See Kausler, I, 311, cclvii.



**Article 248 (Kausler, cclix). Title missing.**

Should it happen by some chance that a man assaults another man or woman and kills him, and that two liege-men passing by see him committing this misdeed and seize him, they being the persons obliged to seize him and to uphold all the rights of their lord, and to put a stop to all wrongdoings which occur, subsequently handing him over to the court and maintaining before the viscount and the assessors upon their faith and upon their homage, that is to say the oath which they took before the king, that they saw him commit this murder, the law judges and decrees that the accused is guilty without recourse to a judicial duel. Nor is it of any avail to him to say 'God forbid that I ever did this!', for he must forthwith be judged guilty and hanged. For the testimony of the two liegemen in this case is valid to such a degree, and such is the law, so long as the dead man or woman is not related to either of the liegemen. For if they are related to them the law judges that the accused should not be hanged for this unless he admits to it. But the law quite properly decrees that he should be subjected to questioning, and subjected to ordeal by water until he confesses the truth.<sup>468</sup> As soon as he confesses the truth, moreover, he should be hanged. Should he, however, confess nothing in the course of the torture inflicted upon him for three days, then let him be taken into custody for a year and a day so that it can be ascertained whether he wishes to undergo some judicial ordeal, or whether anyone comes forward wishing to prove him [guilty] of this murder. Should no one have come forward within a year and a day, and should he not have wished<sup>469</sup> to undergo justice by ordeal, he must be released from gaol. Following this he should be acquitted, that is absolved from having committed the murder, without a judicial duel<sup>470</sup> and without having to answer to anyone summoning him for this, for he did everything which he had to do, this moreover being what is right and lawful according to the assizes of Jerusalem.

**Article 249 (Kausler, cclx). Title missing.**

Should it happen that a person is wounded in many places, the law quite properly decrees that he can bring charges against as many persons as he has wounds, and no more. Furthermore, once he has brought charges and the assessors have examined the wounds, know well that the viscount should have all the persons accused taken into custody until he finds out and sees what will happen to the wounded man. Should it happen, moreover, that any from among them wishes to nominate guarantors so as not to go to gaol, and should the guarantors be such persons as are of good repute in the eyes of the assessors, the law decrees that the accused is well able to nominate guarantors on these conditions. Should they not return the accused into the custody of the court at any time the court wishes this, the guarantors are liable to whatever penalty the accused would suffer, and otherwise no guarantors should be accepted for

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468. For the ordeal by water and its application throughout Latin Europe in the period 800-1200 see Bartlett, *Trial by Fire and Water*, pp. 10-14, 23-25, 47-48, 51-52, 56-57 *et passim*.

469. The Greek text wrongly has 'should none have come'. See Kausler, I, 315, cclix.

470. Kausler, I, 315, cclix *om.* 'without a judicial duel'.

any reason. If the wounded man dies from his wounds, the law judges that since the accused persons did not admit to this base deed, instead declaring 'God forbid [that I did this!]', they should all remain in gaol for a year and a day. Furthermore, should it happen that within this period someone comes forward on behalf of the deceased wishing to challenge any of them to a judicial duel, the law judges that he can challenge any one of the accused he should wish to over the wounding of the deceased. Should he, moreover, defeat the person whom he has challenged, this person should be hanged, and all who have wounded the deceased, as well as the person to be hanged, should have their fists cut off, and they should be banished from the city and from the kingdom, for this is what is lawful. But should the accused who has been challenged defeat the other party, that is the person challenging him on account of the deceased, they should all be acquitted of this murder<sup>471</sup> according to the law and the assizes, and the person offering the challenge should be hanged.

If, however, no-one comes forward wishing to challenge them over the murder within a year and a day since the death of the deceased, and should any of them wish to undergo a judicial ordeal in order to secure recognition of the fact that he was not among those who wounded him, and is unscathed by the ordeal, the law judges that he is to be acquitted of this murder in the eyes of the ruler and in those of any person who should ever wish to demand anything from him.<sup>472</sup> For once he has emerged unscathed from the ordeal, no person should demand anything upon the judgement of God, nor do anything. Should it happen, however, that he does not emerge unscathed from the judicial ordeal he should be hanged forthwith. As for the others not wishing to undergo a judicial ordeal, and for whom no-one comes forward within the year and the day wishing to challenge them over the murder, the law judges that once the year and the day have passed the court is obliged to have them all released together, for they are absolved by law and according to the assizes of this murder without being accountable to anyone who wishes to accuse them, for this is what is right and lawful according to the Assizes of the Kingdom of Jerusalem.

**Article 250 (Kausler, cclxi). Title missing.**

Know well that neither the *bailli* nor the assessors should force any man, or likewise any woman, to undergo the judicial ordeal.<sup>473</sup> But should any man or woman be summoned over any crime which they have been accused of committing, and should he consent to undergo the ordeal of his own free will, the law ordains and decrees that he can no longer draw back from undergoing it once he has offered to undergo it of his own free will. Indeed, he is obliged to undergo it forcibly if the person accusing him of the wrongdoing so wishes. With regard to this, moreover, the viscount and the

471. The Greek text wrongly has 'fear' instead of 'murder'. See Kausler, I, 316, cclx..

472. Here one sees that on Cyprus as elsewhere in Latin Europe the ordeal was resorted to in the absence of conclusive testimony or written evidence. See Bartlett, *Trial by Fire and Water*, pp. 26-29 and 64.

473. Here one sees that Cypriot practice was in line with that in parts of Latin Europe, where from the twelfth century onwards burgesses underwent trial by ordeal only if they wished it. See Bartlett, *Trial by Fire and Water*, pp. 54-56.

assessors are obliged to make him undergo the judicial ordeal forcibly. And should he not wish to undergo it once he offered to do so, and should he not wish to do any of the things which the court told him to do, the law dictates that he be regarded with respect to this matter<sup>474</sup> as truly convicted and guilty of the accusations brought against him. For had he not done it, then neither would he have been afraid in any way of the judicial ordeal, which is a fair and lawful recourse to all people who seek after justice. Indeed, this is why the assessors should sentence him to suffer the punishment due to him as regards the misdeed he was accused of having done, or of having had done. For he is clearly culpable and proven guilty given that he did not wish to undergo what he had offered to undergo, for indeed this is what is lawful and right according to the assizes.<sup>475</sup>

**Article 251 (Kausler, I, cclxii). Here the law is stated as regards one who shows contempt of court,<sup>476</sup> and maintains that its judgement has been given falsely.<sup>477</sup>**

Should it happen by some chance that a person is so brazen as to dispute the truth of the court's judgement, as when he says 'this judgement is false, and unjustly promulgated and pronounced', the law judges that he is liable to pay the court, that is the assessors, 67.5 pounds, and twice as much as that given to the assessors to the ruler of the country, this being what is right and lawful. Furthermore, should he not have the wherewithal to pay, the law decrees that he should have one third of his tongue cut off, so that he can no longer accuse the court of falsehood over what has been promulgated by it in the cause of rendering and maintaining justice. It is right and lawful according to the assizes of Jerusalem. For no subject of the kingdom of Jerusalem should prevent or have undone the verdict of the assessors given in court, nor should the court tolerate such a thing.<sup>478</sup>

**Article 252 (Kausler, cclxiii). Here the law is stated regarding a man who beats up another man, and who is proven through reliable testimony to have beaten him.<sup>479</sup>**

Should it happen by some chance for a man to beat up another man, and for the latter to bring a claim against him and appear in court, with the accused being found guilty of having beaten him through reliable testimony, the law decrees that he is sentenced to give the beaten man 100 *sous*, and to give the ruler 100 bezants, so long as in the course of the beating no open wound was inflicted, nor was any blood shed. For should there be an open wound, or the effusion of blood,<sup>480</sup> then the assailant by

474. Kausler, I, 318, cclxi *add.* 'since he does not wish to undergo the ordeal'.

475. Kausler, I, 318, cclxi *add.* 'of the kingdom of Jerusalem'.

476. Kausler, I, 318, cclxii *add.* 'regarding that which the assessors have judged'.

477. Kausler, I, 318, cclxii *add.* 'and what he is liable to give to justice, by law'.

478. Kausler, I, 319, cclxii has the last sentence in Latin.

479. Kausler, I, 319, cclxiii has 'Here you shall hear the law on the person who has been beaten, and what he or she who beat him or had him beaten by others rather than by himself must give to justice or to the man or woman who has been beaten'.

480. Kausler, I, 320, cclxiii *om.* 'For should ... effusion of blood'.

law should lose his right fist. If, however, the person guilty of assault and battery cannot pay 100 *sous* to the beaten man and 100 bezants to the court, the law decrees that the beaten man can keep his assailant in custody as a Christian until the latter pays him, and once he has been paid he should turn him over to the judgement of the court so that it can likewise receive its due. If, however, the victim should die on account of the assault, the law decrees that since the assailant is guilty of this assault and battery he should be hanged at once [and left there] until he should die, for this is what is right and lawful. Should any man or woman, moreover, have beaten him on account of someone else who is found guilty,<sup>481</sup> the law judges that the person arranging for this to be done must be hanged, while those beating him must lose their fists by law. If the victim did not die as a result of the beating, the law judges that the person who arranged for him to be beaten is obliged to pay the penalty laid down by the court to the victim of the assault and to the ruler, while those who beat the victim should be paraded around the town naked except for their underwear, and they should be given a good beating, for this is what is right and lawful, so that all may be aware of their misdeed.

**Article 253 (Kausler, cclxiv).** Here the law is stated regarding a burgess or some other free person who beats the male or female slave belonging to another and is then accused of this by their master.<sup>482</sup>

Should it happen that a free person, whoever he be, whether a burgess or someone else, beats a male or female slave whose master appears in court accusing him of this in accordance with the assizes, that he has beaten his male or female slave, the law judges and decrees that it be ruled that no free man or woman should ever be sentenced on account of this male or female slave, for this is neither lawful nor right, nor indeed do the law or the assizes decree such a thing. If, however, the male or female slave dies as a result of the said beating, and the person beating him [or her] has been witnessed by reliable witnesses as seen doing so, that is to say guilty of this, he is obliged to pay the slave's master or mistress as much as he might wish to claim, by his honour, the slave to be worth from the day when he was bought until the day he died, this being right and lawful according to the assizes.

**Article 254 (Kausler, cclxv).** Here the law is stated regarding a man or woman coming before the court and bringing charges against a child who is under age.

Should it happen that a man or woman comes forward and brings charges against some child who is under-age over a beating, or a shameful act, or regarding an assault committed against them, the law judges that the child is not obliged to either render justice or receive it from any person in the world, nor over any accusation brought against him, until he has attained the age of 15 years. Indeed the law decrees this because should there happen to be a child who has no one to chastise him, so that he is habituated to wrongdoing and to stealing from people, and charges are brought to

481. Kausler, I, 320, cclxiii has 'and so the victim dies'.

482. Kausler, I, 321, cclxiv *om.* 'and is accused ... master'.

court, the viscount should have him caught and beaten thoroughly, and then should say to him 'from now onwards let this misdeed not be repeated, nor any other, for if it is repeated much worse will be done to you'. This, moreover, is lawful, for this is how wayward children should be punished and frightened. For no-one is under any obligation over something which he has done while still a minor, except in this particular case, if the minor has borrowed money and has become richer thereby, for then he is by law under obligation to the creditor as regards all things whereby he is richer.<sup>483</sup>

**Article 255 (Kausler, cclxvi). Here the law is stated as regards how the king is obliged to pay for the sustenance, that is to say the necessities, of the fighters called champions who are summoned to fight duels in accusations of murder.**

Just as the king or the ruler of the country is the heir of the man or woman who has died intestate and who has no next-of-kin, and should receive all which he or she once possessed, so likewise the law and the assizes decree that the king is obliged to provide all means of sustenance to the champion who is summoned to fight a duel over accusations of murder, or theft or over any other issue, should the latter not have any means of support.<sup>484</sup> The court, moreover, must provide him with his food and drink for up to 40 days, if the issue is delayed this long. But if it is drawn out for over 40 days the court is no longer obliged to give anything, and this is why the law decrees that the duel should take place by all means, once the securities have been given, within 40 days from when they were given. Furthermore, the court must provide him with his red garments and with red socks, and likewise with his canvass shield and stave which he might wish to borrow. Similarly if it is a widowed woman, or a male or female orphan who is nominating the champion and causing the other party to challenge him, and they lack the wherewithal to support their champion, the law ordains that the ruler is obliged to have him provided with everything in the manner stated above, this moreover being right and lawful according to the assizes.<sup>485</sup>

**Article 256 (Kausler, cclxvii). Here the law is stated regarding a man or woman who has been murdered, and who has no next-of-kin or acquaintance to avenge his blood, that is their death,<sup>486</sup> and how the ruler of the country is under obligation to avenge it according to the law and according to the assizes of Jerusalem.**

Should it happen by some chance for a man or a woman to be killed, with some people placing responsibility for the murder on a certain person, but that the deceased has no male or female relative nor any male or female friend to seek vengeance for

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483. The last sentence, not found in Codex One of the Greek text, has been translated from the Latin passage at the end of Kausler, I, 322, cclxv.

484. Kausler, I, 323, cclxvi *add.* 'neither above ground nor below ground'.

485. Kausler, I, 324, cclxvi *add.* 'of Jerusalem'.

486. From this point onwards Kausler, I, 324, cclxvii has 'and who is then obliged to demand the death of this person (i.e. the murderer)'.

his death from the person who killed him, the law decrees that the king or the ruler of the country, or even the lady of the place is the rightful heir of the deceased and is obliged to seek vengeance for his death, by law and according to the assizes. Let them, moreover, nominate a champion if the need arises, and if the other party denies this misdeed, for Our Lord told us in the Gospels that 'the blood of the poor comes after him and cries out for judgement, saying "judgement O Lord! and vengeance for the blood of the poor"'. And since Our Lord who is in heaven says this it must by law be heeded here on earth, for the ruler of the country must wreak vengeance regarding all such matters, according to what has been promulgated for all in common. This is why it has been ordained that the rulers should take all their belongings and avenge their deaths, this moreover being what is right and lawful according to the assizes of Jerusalem.

**Article 257 (Kausler, cclxviii). Here the law is stated regarding the oath which the combatant called a champion should take in the presence of the viscount and the court.**<sup>487</sup>

Know well that once the champion arrives and it is seen that no reconciliation can take place, the assessors or the viscount who are obliged to be on the spot until the judicial duel has been completed should first approach the combatant who accuses the other party over the murder, and should make him take an oath upon the Holy Gospels in the following manner. 'Do you swear (and so help you God and the Holy Gospels) upon this day that this accused person who is about to fight has committed the murder which is attributed to him?'. After that they should approach the defendant and speak to him as follows. 'Do you swear upon the Holy Gospels (over which so help you God and his saints) upon this day that you are not in any way the person who committed the present murder?'. Following this the assessors should hand over to each combatant his shield and his stave. After that two of the assessors should take one of the combatants, and two assessors the other combatant, and they should conduct them to the field at high noon, with the one facing the other so that the sunlight does not hinder the one any more than the other.<sup>488</sup> The shields, moreover, which are called canvas shields, should be coloured deep red and should be of the same size and weight, with the staves also being of the same length and girth. Then the town crier should cry out three times on behalf of the ruler that no one should be so bold as to motion anything to the combatants, at the peril of his property and person. After this they should take them all (i.e. the non-combatants) to a place at some distance from the field (until they re-enter the field to hear what the vanquished party has to say). Then they should let the combatants join battle, and whoever is vanquished as the law decrees, whether dead or alive, should be hanged forthwith in accordance with the law and the assizes. This, moreover, is the manner and these are the oaths whereby

487. Kausler, I, 325, cclxviii has 'Here you shall hear the law regarding the two champions and what should be done for them once they are in the field, before they are allowed to come together for combat'.

488. Kausler, I, 326, cclxviii *add.* 'For should one man be placed facing the sun and the other with the sun behind him this would be unjust, for the sight of the sun could hinder one of them and aid the other, and so the law decrees that they should not be pitted against each other except at high noon, as is lawful'.



the liege men must assemble the knights for judicial duels, in the same way as is done for the burgesses.

**Article 258 (Kausler, cclxix). Here the law states that no Syrian, Greek or Muslim can become a combatant against a Latin.**

Know well that no Syrian, nor any Greek, nor a Muslim can be nominated as a combatant against a Latin Christian, which is to say that he cannot challenge any Latin to a judicial duel in the court of the kingdom of Jerusalem. Should it happen, however, that a Syrian, or a Greek or a Muslim are accused of murder, or conspiracy, or of heresy, the law quite properly decrees that they are indeed able to defend themselves over such accusations against a Latin wishing to accuse them of such things, for this is right and lawful according to the assizes.

**Article 259 (Kausler, cclxxi).<sup>489</sup> Here the law is stated regarding homosexuals and all other evil men and women, who should be put to death in a horrible fashion.<sup>490</sup>**

Know well that the law and justice decree that all evil-doers should be put to death in a horrible fashion, such as those accustomed to do evil and to associate with evil persons, such persons as are homosexuals, thieves, *paterini*, conspirators and all manner of evil men and evil women, all such persons should be put to death. Nor should the authorities allow them to live, by law, once they are found out, for as the Gospels and the law state, 'All those killing the enemies of God, which is to say the evildoers, such persons are friends of God'. No person, however, should kill a murderer on his own initiative, nor the conspirator, the *paterinus*, or the thief, but should instead have them handed over to justice. After this the court is obliged to pass judgement on him and to punish him according to his misdeed, [convicting him] either through witnesses, or through his admission that he committed whatever misdeed he committed, whether this be murder or any other of the misdeeds from among those which are mentioned above, and he must be sentenced to death forthwith. For when the assessors sentence someone to death, they are not themselves the cause of his death in this regard, but are executing the provisions of the law and the assizes. And this is why all should know that the assessors are obliged to sentence to death all those committing murder or any other wrongdoing from among those mentioned above without any hindrance.

**Article 260 (Kausler, cclxxii). Here the law is stated regarding a wounded person who comes to court and brings charges against another person who denies the charges and declares under oath, to the knowledge of the court, that he did not do this to him.<sup>491</sup>**

If it happens that a person who has been mortally wounded appears before the court and brings charges against another person, maintaining that he had committed this

489. Kausler, I, 328-329, cclxx has the same law in Latin, and this chapter is not translated in the Greek text.

490. Kausler, I, 329, cclxxi has 'Here we must speak of evildoers, whom you must not suffer to live by legal command'.

491. Kausler, I, 330, cclxxii *add.* 'and it then happens that the claimant dies of this wound, and what law should be applied'

misdeed against him, and the person who has been accused comes forward and says 'God forbid [that I did this!]', and he wants to make a sworn statement, making one in the presence of the viscount and the assessors, which is to say that he swears upon the Holy Gospels that he did not commit the deed, neither by his own hand nor by having another person do it, nor acquiescing to it or knowing who committed the deed, then after this he is acquitted, since the accuser received the oath from him before the court in the manner required. And if<sup>492</sup> it happens that the wounded person subsequently dies on account of his wounds, and some of the relatives of the deceased person, either his father, or his mother, or his brother or sister then wish to seek the death of the accused, the law judges and decrees that the accused is not obliged to be answerable to anybody over the death of the other party because he has done that which the assizes decreed that he should do, and the court acknowledged his having done so. If, however, the accused did take the oath in the manner described above, the law quite properly decrees that he is indeed obliged to offer a defence over this misdeed to all who seek justice from him, for this is right and lawful according to the assizes, since no issue should be judged twice over.<sup>493</sup>

**Article 261 (Kausler, cclxxiii).** Here the law is stated regarding a beaten man who brings charges against another man, who asks for a fixed day on which to offer a defence,<sup>494</sup> whereupon the beaten man appeared on his day [while the accused] did not come even by the time the stars had appeared in the sky, nor did he change his day, and the beaten man died in the meantime.<sup>495</sup>

If it happens that a person comes before the court and brings charges against another, maintaining that he has beaten him or has caused him some other harm, and the person whom he has accused receives a day on which to appear, and it then happens that the accused appears on his day, while the claimant neither appears nor has his day changed, even though the other party appeared on his day and remained there until the appearance of the stars. It subsequently happens that the beaten man dies, and that one of his relatives appears before the court wishing to obtain justice from the person who beat him and thereby caused his death, the law judges that if<sup>496</sup> the accused can prove to the court that he turned up on the day given to him until the stars appeared, as is required, he should by law be acquitted without recourse to a judicial duel. If he is not able to prove it through the court or through the testimony of the assessors, but can prove through the testimony of two trustworthy witnesses that he turned up on his day in the required manner, by law he must be acquitted.<sup>497</sup> The latter testimony, however, is subject to a judicial duel in that the relatives of the

492. The Greek text wrongly omits 'if'. See Kausler, I, 330, cclxxii.

493. The preceding phrase in the Greek text was translated from Latin. See Kausler, I, 331, cclxxii.

494. From this point onwards Kausler, I, 331, cclxxiii has 'and afterwards neither the one nor the other appear upon their day, and what he who did not appear on the day appointed should pay the court'.

495. The heading in the Greek text is misleading, for the passage below makes it clear that it is the claimant who failed to appear while the accused did appear.

496. The word 'if' is not found in the Greek text. See Kausler, I, 332, cclxxiii.

497. See the preceding note.

deceased can challenge one of the witnesses to such a duel, for this is right and lawful according to the assizes.

**Article 262 (Kausler, cclxxiv). Title missing.**

If it happens that a person appears before the court and brings charges against another person of having wounded him, and it then happens that he makes up with the person who wounded him, either through the entreaties of friends or on account of some payment which the latter offered him, and it happens after that that the wounded man dies of his wounds, and then some of the relatives of the deceased or his wife wish to seek justice from the person who had wounded him, the law judges and decrees that if the person who had made peace with the wounded man can prove that he was reconciled with him over this misfortune he should be acquitted by law, other than for the fact that a judicial duel is required, which is to say that the relatives of the deceased are well able to challenge one of the guarantors to a duel, and the person vanquished must be hanged by law. Furthermore, if the accused can prove before the court that he made up with the wounded man, and that he likewise paid the 7.5 *sous* for the offence he had committed, the law in this instance judges that he is acquitted for evermore without recourse to a judicial duel, by law and according to the assizes.

**Article 263 (Kausler, cclxxv). Title missing.**

If it happens that an orphan, or an orphaned girl who is under-age, or a widowed woman ...<sup>498</sup> This [article] is in the twelve chapters.

**Article 264 (Kausler, cclxxvi). Title missing.**

Should it happen that a person finds something of value under the ground while digging, and that he finds some treasure which he makes off with and hides, without making this known to the ruler, that is without notifying the king of the country, the law judges and decrees that the man or the woman who has done this has committed theft from the cellar of the ruler. His person, moreover, is subject to the mercy of the ruler and should be administered such a penalty as that administered to a thief guilty [of stealing] from his cellar, the so-called chamber. Furthermore, all that he has must for evermore belong to the king, while he himself must be hanged. If, however, he notified the king, or the person who was present on that day in his place, and told them the following 'Sir, while digging at my home I found this thing, and so send someone sir to take what has been found, and give me back my share' the law judges that the person finding this find should have one third of the find and should be reimbursed for all the expenses he defrayed while digging, while the other two thirds should belong to the ruler of the place by law. Nor should any harm befall the person finding this find, for he showed the whole find to the ruler without taking or withholding anything. If, however, any man or woman declared that there was treasure in some place, or else saw it in his dream and then went there to dig in order to find this

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498. The remainder of this passage is missing from Codex Two of the Greek text. For the whole passage see Kausler, I, 333-334, cclxxv and Codex One of the Greek text (Article 265).

treasure, without obtaining permission to dig from the ruler of the country, and it so happens that he finds it while digging, the law judges that he has committed theft and that everything belonging to him must be made over to the ruler. His person, moreover, is subject to the mercy of God and that of the ruler of the country, who can have him destroyed, because no person is authorised to dig and to find valuables or treasure in another's domain without securing permission from the ruler of the country. Nor [can he do so] at his house, or at the house of another, in his field, in the field of another, nor in a vineyard or a village. For everything that is under the ground, barring what belongs to a living owner, should all by law belong to the ruler of the country. For it should be noted well that everything buried in the earth should belong to the cellar of the ruler, and so the earth is itself the cellar of the ruler, with the viscount and the assessors being obliged to put right all injustices within the town and outside the town, as far as the authority of the king extends. Should it happen, however, that some person knows of a place at which there is treasure, and he appears before the king or before the *bailli* who is in his place, letting it be known to him that he wishes to dig in some spot where he knows that treasure is to be found, the ruler of the country is obliged to grant him permission. Furthermore, he should appoint overseers to watch over him, and should he find something of value the law decrees that one half should belong to the ruler of the country, that is to the king, and that the other half should belong to the person finding the treasure and to the owner of the land on which the treasure was found. Furthermore, should the land belong to the person finding the treasure, the law judges that two thirds of this treasure should belong to the king and the remaining third to the person finding it, with the proviso that two thirds of all the expenses undertaken in digging and in other respects should be met by the king, in accordance with his share of two thirds, and the remaining third by the person finding it.<sup>499</sup> This, moreover, is right and lawful according to the assizes.

**Article 265 (Kausler, cclxxvii). Title missing.**

Should it happen that a man or a woman start a fire in the town, and that this fire causes some damage, which is to say that it burns some house, and that the person starting the fire, whether man or woman, is seized and convicted of committing this act, either through reliable testimonies in which [the witnesses] swear that he did this misdeed, or because he admitted it himself, the law decrees that just as he wished to burn the houses and rob people, so he in turn should be burnt, once he has been dragged through the town holding the torch of the fire and has been proclaimed [as an arsonist] until he reaches the bonfire on which he is to be burnt. Furthermore, everything belonging to this evildoer should be made over to the ruler, in accordance with the law and with the assizes.

**Article 266 (Kausler, cclxxviii). Title missing.**

Should it happen that a man or a woman bury a corpse in town within their home, the law and justice decree that this house should devolve on the church, for no person

<sup>499</sup> Kausler, I, 337, cclxxvi *om.* 'and the remaining third ... finding it'.

should have a cemetery at his home other than the holy church. Since, moreover, he has made a cemetery at his home it should be made over to the cathedral of the city in which the incident took place. Everything which the man or woman perpetrating this deed have, moreover, should be made over to the ruler of the town, other than their house in which they buried the dead person, whether it be a man, a woman or a child. The body of the deceased, moreover, lies at the mercy of God and of the ruler of the city, as does that of the person committing this lawless act, for it is unclear whether he killed the person whom he buried or whether he simply died. Nonetheless, because people may sense at any time that he buried him on account of having done wrong, or else it becomes known from people's talk that he killed him, the law decrees that the dead person should be unearthened so that the causes of his death can be established. If it is seen and acknowledged that this person was either strangled, or killed violently, or slaughtered, the court is thereafter obliged to exert pressure on the accused by subjecting them to the ordeal by water and to torture to make them confess the truth of this misdeed. Furthermore, should they have killed him violently, the law judges that all those involved in this evil-doing should be planted in the ground alive, with their heads facing downwards and their feet facing upwards, without undergoing further harm. Everything that the persons committing this murder possess, moreover, should belong to the ruler of the city, in accordance with the law and the assizes, as stated above.

**Article 267 (Kausler, cclxxix). Title missing.**

If it happens that two or three people appear before the court bringing with them one dead person and another person alive and tied up, and they state before the assessors 'Sir, we found this person dead in the road, still as warm as the person who had killed him, and we have also brought this other person who was walking along the road near the dead person, so we came up to him and asked him "Who killed this person?", and he replied to us that this person leapt on him while he was walking along the road, and that he killed him in the course of defending himself', and the court then asks the person in question 'Is it true what they say about you, that you killed him while defending yourself?', and he responds 'What they say is true, and I also say it, and regarding this I have God as my witness', the law judges and decrees that since he has invoked the testimony of God he must be subjected to the judicial ordeal, that is to trial by ordeal.<sup>500</sup> Should he come through the ordeal unscathed he should then be lawfully acquitted of this killing without being answerable to anyone who challenges him to a judicial duel. If, however, he does not come through the ordeal unscathed, the law judges that he should be hanged forthwith without delay.

**Article 268 (Kausler, cclxxx). Title missing.**

If it happens that charges are brought to court regarding the following matter, that many people found a dead person in the road and brought him before the court

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<sup>500</sup> Here one sees how on Cyprus as elsewhere in Latin Europe trial by ordeal was resorted to not only in the absence of conclusive testimony and written evidence, but when even a specific plaintiff was lacking. See Bartlett, *Trial by Fire and Water*, pp. 29-30.

assessors together with another person, alive and tied up, and they say as follows before the court, 'Sir, we found this person lying dead in the road and still warm, and we found the other person whom we have brought alive walking along the road near the dead person, and we went up to him and asked him "Who killed this dead person?", and he told us "I do not know!", and we then went up to him and took his sword from him, which we found all covered in blood, and we asked him "Where does this blood come from?", and he told us that he had slaughtered an animal', the law judges and decrees that he is not guilty of the murder because he happened to be passing by, nor because his sword was found covered in blood, should there be nothing in addition to what was stated. But the law quite properly states that on account of whatever might have happened the viscount should seize the accused and have him placed in custody. And he should have him kept there for a year and a day so that it can be seen whether anyone comes forward within this time wishing to challenge him over this murder, or whether he himself wishes to undergo the judicial ordeal, that is trial by ordeal, within the year and the day. If, however, none come forward within the year and the day wishing to undergo trial by ordeal, or no one comes forward wishing to challenge him to a judicial duel over the matter, the law judges that he should be released from custody as one who is considered acquitted<sup>501</sup> and absolved from this murder, by law and according to the assizes.

**Article 269 (Kausler, cclxxxi). Title missing.**

Should it happen by some chance or by some misfortune that there is some man who regards his lawfully wedded wife as a good woman, but that she is far from one, and it happens one day or during the evening that this honest man enters his house as he is accustomed to and finds another man lying in bed with his wife, and the honest man draws a knife and kills both of them with one thrust, or with one blow, that is both his spouse and her lover, the law judges and decrees that the case be judged as follows. He should not be liable for anything, nor should his person be subject to any harm since he killed both of them together, but he should be acquitted in accordance with the law and in accordance with the assizes of King Aimery, towards whom may God show true mercy. If it happens, however, that the husband killed his wife but not her lover, or her lover but not his wife, the law judges with equal fairness that he should be hanged if he killed his wife, as though he had killed a stranger, and this must likewise happen if he kills only the lover of his wife. Nor must it be of any use to him if he states that his wife was a prostitute and that this was why he killed her, or that he [the lover] had brought shame on him through his wife and so he killed him. Instead proper justice should be visited upon him if he kills the one but not the other, for this is what is lawful according to the assizes.

**Article 270 (Kausler, cclxxxii). Title missing.**

Should it happen that a woman brings charges of heresy against a man in court, or that a man likewise accuses a woman of adultery in the crown court, the law judges that neither this legal issue nor this accusation should be given a hearing or judged

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501. The Greek text wrongly has 'guilty', but acquitted is what is meant. See Kausler, I, 341, cclxxx.



by the crown court, but only by the holy church which is obliged regarding the matter to turn this evil matter through subtle inquiry and confession into a true reconciliation and a lasting peace within the law. Furthermore, the viscount and the assessors must enjoin those who approach him in order to bring charges before him that this is what is lawful and right according to the assizes.

**Article 271 (Kausler, cclxxxiii). Title missing.**

Should it happen by some misfortune that a clerk through the force of a bribe given to him writes and draws up a false privilege, and knowingly understands that he is acting dishonestly, the law judges and decrees that this clerk should have his right fist cut off and should be banished from the kingdom. As for the person who has given him part of his property for the faithless act to be committed, and who displays the privilege in court and asks for what is declared in it while knowing it to be false, the law judges that he be hanged for having committed two transgressions. Firstly because he made the clerk commit the faithless act by giving him his money, and secondly because he himself was benefiting from this faithless act, knowing full well that it was wrong. For this reason he should suffer the penalty stated above, and everything that he has should go to the ruler, according to the law and according to the assizes.

**Article 272 (Kausler, cclxxxiv). Title missing.**

If it happens that a Muslim or a Latin Christian clerk in the employ of the ruler in the covered market or the Court of the Chain, or in some village, defrauds the ruler of his rightful due or connives in defrauding him,<sup>502</sup> or keeps for himself part of what is payable [as duty] in the covered market, or in the court of the chain, or should he do this either by false calculations, or by making fraudulent entries, the law judges and decrees that if it is possible to have this clerk condemned over this fraud, either through his books, or through the trader who gave him something for having allowed him to take his goods through customs without having paid the duty, or else for having reduced the half share payable to the ruler in order to obtain the other half, or for the third payable in retrospect, without the knowledge of the *bailli* or the ruler,<sup>503</sup> or if he is condemned by some other manner, or if the ruler does not find his incomes to be in order, the law judges that he should be blindfolded and paraded around the town forthwith, and should be taken as far as the rope for hanging called the noose and hanged. Everything that he has, moreover, must be made over to the king, according to the law and according to the assizes.

**Article 273 (Kausler, cclxxxv). Title missing.**

Should it happen that any goldsmith, or any other person or persons, become so bold as to make counterfeit seals in return for something they obtain, either the seals<sup>504</sup> of

502. Kausler, I, 345, cclxxxiv *add.* 'with the merchants or serfs to share [the proceeds] with them'.

503. The Greek text omits the word 'knowledge' and has 'or for the third so as to pay nothing'. See Kausler, I, 345, cclxxxiv.

504. Kausler, I, 345, cclxxxv has 'coins'.

the living king, or of any deceased kings, or of any of the deceased barons of the kingdom, and should this goldsmith be seized and found guilty of this misdeed, the law judges and decrees that both the goldsmith who engraved the counterfeit seals and the person who told him to make them should be hanged forthwith. Everything that they have, moreover, should be made over to the ruler, by law and according to the assizes.

**Article 274 (Kausler, cclxxxvi). Title missing.**

Know well that should it happen for one person to summon another person to court, and should the claimant then lose his case, he must give the court 7.5 *sous* and must pay this within seven days,<sup>505</sup> as stated above.

**Article 275 (Kausler, cclxxxvii). Title missing.**

If it happens that a person submits a claim against someone, and the defendant denies all these charges, but the claimant has trustworthy witnesses who appear before the court and uphold him so that he wins his case, the law judges that the claimant must give the court and the witnesses who proved the charges 15 *sous*, by law and according to the assizes.

**Article 276 (Kausler, cclxxxviii). Title missing.**

Should it happen that a person who has been beaten up brings charges in court and can prove through two trustworthy witnesses that [the accused] beat him up, or else this can be proven through a judicial duel, the law judges that the person who has been condemned of having beaten another person up must give 100 bezants to the court and 100 *sous* to the person beaten. He should, moreover, pay the person who has been beaten up before paying the court, by law and according to the assizes.

**Article 277 (Kausler, cclxxxix). Title missing.**

Should it happen that a Latin Christian, whether man or woman, have a Syrian summoned to court for having beaten him up, and should the Latin be able to have him convicted in the manner laid down in this book, the law judges that the court should take 50 bezants from this Syrian, and the Latin who has been beaten 50 *sous*, because the Syrians do not pay<sup>506</sup> other than half of what is legally prescribed, by law and according to the assizes.

**Article 278 (Kausler, ccxc). Title missing.**

Know well that should a man bring accusations against a woman of having beaten him and is able to prove this in the manner prescribed, the law judges that the woman

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505. Kausler, I, 346, cclxxxvi *add.* 'should he be unable to pay them at once, [and should the person] against whom he submitted the claim lose the case, he too must give the court 7.5 *sous*, and must pay them within seven days'.

506. Kausler, I, 348, cclxxxix *add.* 'or receive'.

should pay 50 bezants to the court and 50 *sous* to the beaten man,<sup>507</sup> because a woman does not take other than half of what the law prescribes and does not pay other than half of what the law requires, by law and according to the assizes.

**Article 279 (Kausler, ccxcii). Here the law is stated regarding the first theft committed by a thief.**

Should it happen that a thief is apprehended and brought before the court on charges of theft, and it happens to be the first theft that he recalls having committed, the law judges that he should be paraded around town and be given a good beating. He should also be branded and banished from the town, according to the law.

**Article 280 (Kausler, ccxciii). Here the law is stated as regards a thief found already branded.**

Should a thief be condemned for theft in court, and should he be found branded, or have some member of his severed, the law judges that this thief, since he has been caught stealing again, should be taken away and hanged by law and according to the assizes.

**Article 281 (Kausler, ccxciii). Regarding one who violates the edict of his ruler.<sup>508</sup>**

If it happens that the edict of a ruler is proclaimed throughout the town, and any man or woman disobeys it, the law decrees that the person violating the ruler's edict is obliged to give the court 67.5 *sous*, by law and according to the assizes.<sup>509</sup>

**Article 282 (Kausler, ccxciv). Regarding a man or a woman who are caught giving short measure, or goods underweight.<sup>510</sup>**

Should it happen that a man or a woman are found and apprehended giving short measure, or selling goods that are underweight, they are liable to give the court 67.5 *sous*, by law and according to the assizes.

**Article 283 (Kausler, ccxcv). Regarding a person who sells his house to another person.<sup>511</sup>**

Should it happen that a man or a woman sell their house, the person buying it, whoever he might be, must give the court one bezant and one *rabouin*,<sup>512</sup> by law and according to the assizes.

507. The Greek text omits 'and 50 *sous* to the beaten man'. See Kausler, I, 348, ccxc.

508. Kausler, I, 349, ccxciii has 'Here you shall hear the law regarding the edict proclaimed throughout the city'.

509. See Prawer 'Crusader Penal Law and its European Antecedents', pp. 415-418 regarding this fine.

510. Kausler, I, 350, ccxciv has 'false prices' instead of 'goods underweight'.

511. Kausler, I, 350, ccxcv *add.* 'what he must give the court'.

512. For payments to the Court of Burgesses on Cyprus when burgage-tenures were sold see Prawer, 'Burgage-tenure', pp. 260-261. The payment specified in Prawer, however, is 3 bezants and 2 *s.*

**Article 284 (Kausler, ccxcvi). Here the law is stated over not taking the fine of 7.5 sous from the person not sweeping the path in front of his house.<sup>513</sup>**

Know well that the court does not in any way take the fine of 7.5 sous over the sweeping of the streets, for King Baldwin promulgated this edict without the consent of his liege-men and of the burgesses of the town. This is why the law and the assizes decree that once the edict on cleaning the streets has been proclaimed throughout the city, should a man or a woman then evade this edict and not do anything to clean the path in front of their house the viscount must exhibit great clemency over this transgression, and must not take the money other than as little as he can, and he must collect tardily and frequently waive these 7.5 sous.

**Article 285 (Kausler, ccxcvii). Here the law is stated regarding a person resident in someone else's house, when the owner of the house loses something from within it.**

Should it happen that a man or a woman are resident in someone else's house, and that this person loses something from the house and forwards accusations in court, the law judges and decrees that the master of the house and everyone living in it should swear upon the Gospels that they did not take that which he is claiming, nor do they know who took it. On the strength of these oaths the court must not take the [fine of] 7.5 sous which it is prescribed that it should take over all false claims, for this is not a false claim, and this is how it should be dealt with. Nor should the court exact any fine, by law and according to the assizes of Jerusalem.

**Article 286 (Kausler, ccxxxvi). Here the law is stated regarding what kind of person should be appointed *bailli* in the covered market so as to dispense justice to all persons according to the law, to the great as much as to the small, to the Syrian as much as to the Muslim and to the Hagarene as much as to the Christian.<sup>514</sup>**

Know well that there should be a *bailli* in the marketplace, a trustworthy person of good repute who loves all manner of persons and treats them justly. He is, moreover, obliged by law to dispense justice in the prescribed manner to the Muslim as much as to the Syrian, to the Syrian as much as to the Jew, and to the Jew as much as to the Samaritan, and to all manner of persons as much as to the Christians, for this is what is lawful and right according to the assizes. Because of the confidence the ruler places in him and because he is obliged to uphold just laws all merchants come under his jurisdiction to buy and sell.

513. Kausler, I, 350, ccxcvi has 'Here the law is stated over sweeping the streets'. See also Prawer, 'Crusader Penal Law and its European Antecedents', p. 415.

514. Kausler, I, 270, ccxxxvi has 'Since you have heard the other laws, the law decrees that you should hear the laws and edicts which should apply in the market court, over what matters judgement must be given and over what matters it must not be given, and the dues to be taken for all merchandise arriving here by sea and for merchandise arriving by land'.

**Article 287 (Kausler, ccxxxvi).** It is stated here which and how many assessors the covered market should have.

Know well that there should be six trustworthy persons as judges in the marketplace, four Syrians and two Latin Christians. Furthermore, they are obliged to pass judgement over all cases brought before the *bailli*, such as those regarding debt<sup>515</sup> or things lost or destroyed, such as rents from houses, or any other action done by a Syrian, or a Jew, or a Muslim, a Samaritan, a Nestorian, a Greek, a Jacobite or an Armenian. Furthermore, know well that the law judges and decrees that none belonging to any of the confessions stated above can bring charges against anyone over any action which anyone has committed against them before any court other than the court of their marketplace, with the exception of charges of murder, conspiracy, or the drawing of blood.<sup>516</sup> The law decrees that such accusations must not be judged in the court of the marketplace but should be brought before the court of the burgesses, for this is what is right and lawful according to the assizes.

**Article 288 (Kausler, ccxxxvi).** How the *bailli* of the marketplace should not summon the sergeants of the marketplace as witnesses.

Know well that [neither] the *bailli* of the *commercium*, that is of the marketplace, whoever he be, whether he be a knight or a burgess, nor indeed the assessors, should summon as witnesses the sergeants of the marketplace over any claims which are brought forward, for the law decrees that the following witnesses can be included.

**Article 289 (Kausler, ccxxxvi).** Title missing.

Should a Greek bring charges against a Jew before the *bailli* over any issue, and should the Jew deny whatever he is claiming, the law judges that the Greek must have Jewish witnesses. Should he have them, and should they be ready to offer testimony, let them swear by their law that his claim is a valid one and that they saw the Greek give it to the Jew, or lend it to him, or hire it to him, or give it, or else they saw the Jew selling him this property, or heard him admit the truth of the Greek's claim, or else were present when the transaction took place, or they saw the Jew hand over the pledges or the payment, or else were at the place and saw him doing this injustice or saying this base word and bringing great shame on him, or saw him delivering this property. These, moreover, are the testimonies that are of use in the court of the marketplace.

**Article 290 (Kausler, ccxxxvi).** Here the law is stated regarding all other confessions facing charges, which must be supported by similar testimonies (i.e. the witnesses belonging to the same confession as the defendant).

The law quite properly decrees that as regards all other races and confessions bringing charges against one another in the court of the marketplace, it is necessary for the testimonies to originate from persons belonging to the same confession as that of the

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515. Kausler, I, 271, ccxxxvi *add.* 'or guarantees'.

516. Kausler, I, 271, ccxxxvi *add.* 'or robbery'.

defendant, for this is the law. And this because other witnesses are of no use to the claimant, for if he does not have such witnesses (i.e. of the same confession as the defendant), the defendant should take an oath on his confession and thereby be acquitted, since the claimant does not have such witnesses as are necessary.

**Article 291 (Kausler, ccxxxvi). Regarding the oath that must be given by the people of various races.**

The oath which must be given by such persons in the court of the covered market must take place as follows, which is to say that the Jew must swear upon the Ark of the Covenant, that is to say upon the Torah of his law, the Muslim must likewise swear upon the Quran of his law, while the Armenian, the Syrian and the Greek must swear upon the Cross and upon the book in which the Gospel is written in their own respective scripts.

**Article 292 (Kausler, ccxxxvi). As regards testimonies.**

All the other confessions taken together must swear upon the books of their creeds, but the Samaritans must give an oath upon the Pentateuch of Moses that they adhere to. All the above peoples can offer testimony over all things pertaining to the court of the marketplace, which have taken place or been said, within the marketplace in the presence of the *bailli* and of the assessors, and it must be upheld against the persons of all other confessions forwarding accusations before the court, for this is what is right and lawful according to the assizes.

**Article 293 (Kausler, ccxxxvi). As regards testimonies.**

Know well that no testimony submitted by persons before the court of the marketplace is in any way subject to a judicial duel, for the issues subject to a judicial duel must be brought forward to the court of the burgesses, as stated above, and this is what is lawful and right according to the assizes.

**Article 294 (Kausler, ccxxxvi). Regarding the imposts of the marketplace.**

Know well that the assessors of the marketplace must swear that all the injustices committed by one person against another, as regards sales, or purchases, or rents, or leases, or any other issues, should be judged after the manner promulgated in the present book, as the assessors in the court of the burgesses are obliged to act, and not otherwise. Just as the Syrians and the Greeks, or the Jews, the Samaritans, the Nestorians, or the Muslims are people like the Latin Christians, so likewise must they pay dues and repay that which is judged over all matters after the manner promulgated in the court of the burgesses in the present book, for all the rights and all the imposts for all the peoples have been promulgated. And indeed the following provision is contained therein, that the law decrees that if two Jews or two Syrians, or two persons of another confession have a dispute amongst themselves over any issue wherefrom charges are forwarded, there must be no difference between the witnesses, whether they happen to be of the same confession as the litigants, or from another confession, for this is what is right by law and according to the assizes of Jerusalem. But should a Muslim beat a Latin Christian, or a Latin Christian woman, and should blood be drawn and an open wound result, the law judges that this



Muslim has to be brought to court. The court, moreover, is obliged to arrange for the man or woman beaten or wounded by the Muslim to undergo treatment, and he must provide for his keep for as long as he is unwell on account of this wrongdoing and cannot experience or do anything. Should he not wish to do so, then the court should have this slave<sup>517</sup> subjected to punishment, and should have his hand which dealt the blow cut off. Furthermore he should be paraded, that is proclaimed as a wrongdoer, around the town and should then be banished from the land. Furthermore, should this Muslim be found committing an additional wrongdoing to a Christian, man or woman, he must be taken away and hanged, by law and according to the assizes.

**Article 295 (Kausler, ccxxxvii). This law concerns the imposts payable on every commodity reaching the marketplace by sea or by land, as promulgated in bygone years by the kings and by capable men.**<sup>518</sup>

The ancient privileges decree that on every 100 bezants' worth of silk, a duty of eight bezants and 19 *karoubles* is payable to the court of the marketplace.

As regards cloth, the law decrees that on every 100 bezants' worth a duty of ten bezants and 18 *karoubles* is payable.

As regards pepper, the law decrees that on every 100 bezants' worth a duty of eleven bezants and five *karoubles* is payable.

As regards alum, the law decrees that on every 100 bezants' worth a duty of eleven bezants and five *karoubles* is payable.

As regards gum-lac, the law decrees that on every 100 bezant's worth ten bezants and 18 *karoubles* is payable.

As regards nutmegs, or on nutmeg leaves, the law decrees that on every 100 bezants' worth a duty of 8.5 bezants is payable.

As regards linen, the law decrees that on every 100 bezants' worth a duty of eight bezants and eight *karoubles* is payable.<sup>519</sup>

As regards cloves and their leaves, the law decrees that on every 100 bezants' worth a duty of eleven bezants and eight *karoubles* is payable.<sup>520</sup>

As for Indian chickens, the law decrees that [a duty of] one tenth is payable.

**Article 296 (Kausler, ccxxxvii). Regarding commodities that arrive by sea and which cannot be sold, and what should be done.**

As regards the commodities which are brought by sea along the coast, that is to say along the shoreline, the law decrees that they are well able to turn the around and take

517. Although here the wrongdoer is called a slave, the punishment administered to him, as described below, suggests that he is a free Muslim as opposed to a captured slave.

518. Kausler, I, 274, ccxxxvii *add.* 'of the land over all merchandise'.

519. Kausler, I, 275, ccxxxvii *om.* 'As regards linen ...'.

520. Kausler, I, 275, ccxxxvii gives a duty of nine bezants and one third of a bezant.

them out through the harbour-chain. Furthermore, eight bezants should be paid on every 100 bezants' worth of unsold goods, and as regards those sold the full duty must be given to the court of the market-place, after the manner promulgated over every commodity with duty payable upon it by the Muslims and<sup>521</sup> all manner of Syrians coming to trade in the land of the kingdom of Jerusalem.

On musk. The law decrees that on every 100 bezants' worth of musk, 8.5 bezants are payable.

On aloe wood. The law decrees that on every 100 bezants' worth of aloe wood, a duty of 9.5 bezants is payable.

On sugar. The law decrees that the duty payable on sugar transported by land and sea and unloaded is four bezants<sup>522</sup> on every hundred bezants' worth. A duty of four bezants is payable on every camel-load of sugar, and a duty of one *rabouin* on every saddle-load.

**Article 297 (Kausler, ccxxxvii). As regards the other goods exported to Muslim countries.**

The law decrees that a duty of one *karouble* on every bezant is payable on all goods coming out of the land for export to Muslim countries.

On fish. A duty of one quarter is payable on salted fish brought from Egypt,<sup>523</sup> that is to say one bezant on every four bezants' worth.

On Egyptian linen. The law decrees that a passage duty of one bezant and two *karoubles* is payable on every camel-load of linen transported from Egypt to Damascus.<sup>524</sup>

On henna. The law decrees that a duty of 18.5 *karoubles* is payable on every bag of henna.

On all spices. The law decrees that the duty payable on all spices belonging to spice-sellers is one *karouble* on every bezant's worth.

On sesame. The law decrees that a duty of ten bezants is payable on every 100 bezants' worth of sesame imported.

On sesame oil. The law decrees that a duty of eleven bezants is payable on every 100 bezants' worth of sesame oil.

On incense. The law decrees that a duty of eleven bezants and five *karoubles* is payable on every 100 bezants' worth of incense.

As regards the duty on cardamom, the law decrees that eleven bezants and five *karoubles* should be taken on every 100 bezants' worth.

521. The Greek text omits 'the Muslims and'. See Kausler, I, 276, ccxxxvii.

522. Kausler, I, 276, ccxxxvii has 'five bezants'.

523. Both the Greek translation and Kausler, I, 276, ccxxxvii have 'Babylon', but this was the standard medieval name for Egypt used by Latin Christians.

524. This ruling clearly has no relevance to Cyprus, and refers to conditions in the Latin kingdom of Jerusalem prior to its conquest in 1291 by the Muslims.

On ivory. The law decrees that a duty of two *karoubles* on every bezant's worth of ivory is payable.

On Persian gum. The law decrees that a duty of eleven bezants and five *karoubles* is payable on every 100 bezants' worth of Persian gum.

On galingale. The law decrees that a duty of four bezants and four *karoubles* is payable on every 100 bezants' worth of galingale.

On peanuts. The law decrees that a duty of four bezants and four *karoubles* is payable on every 100 bezants' worth of peanuts and lavender leaves.

On zakkum, that is to say sesame cakes. The law decrees that a duty of four bezants and four *karoubles* is payable on every 100 bezants' worth of sesame cakes.

On cinnamon. The law decrees that a duty of four bezants and four *karoubles* is payable on every 100 bezants' worth of cinnamon.

On aspic. The law decrees that a duty of four bezants and four *karoubles* is payable on every 100 bezants' worth of aspic.

On ginger. The law decrees that a duty of four bezants and four *karoubles* is payable on every 100 bezants' worth of ginger.

On camphor. The law decrees that a duty of nine bezants and eight *karoubles* is payable on every 100 bezants' worth of camphor.

On carobs. The law decrees that a duty of four bezants and four *karoubles*<sup>525</sup> is payable on every 100 bezants' worth of Syrian<sup>526</sup> carobs, as carobs are called.

On borax. The law decrees that a duty of eleven bezants and five *karoubles* is payable on every 100 bezants' worth of borax.

On gilly-flower. The law decrees that a duty of four bezants and four *karoubles* is payable on every 100 bezants' worth of gilly-flower.

On armagnac. the law decrees that a full duty is payable on armagnac.

On crystallised sugar. The law decrees that a full duty is payable on crystallised sugar.

On dates. The law decrees that a full duty is payable on dates.

On white arsenic. The law decrees that a duty of eleven bezants and five *karoubles* is payable on every 100 bezants' worth of arsenic.

Regarding Syrians, Muslims and Latin Christians and [the duty] on liquorice. A duty of 15 bezants [is payable] on the liquorice brought by Muslims and Syrians. As regards Latin Christians, however, a duty of no more than twelve bezants is payable.

On camphor root. The law decrees that a duty of eleven bezants and five *karoubles* is payable on every 100 bezants' worth of camphor root.

525. Kausler, I, 278, ccxxxvii has 'four bezants and three *karoubles*'.

526. In Codex One of the Greek text (Article 296) the word 'Indian' is given instead.

On buckles and saddles. The law decrees that a duty of one *karouble* is payable on every bezant's worth of buckles and saddles exported from the country.

On yellow arsenic. The law decrees that a full duty is payable on yellow arsenic.

On frankinsense. The law decrees that a duty of ten bezants and 18 *karoubles* is payable on every 100 bezants' worth of frankinsense.

On planks and beams. The law decrees that a duty of one fourth of their value is payable on all planks and beams exported from the country.

On threshing sherds. The duty on threshing sherds is one tenth of their cost.

On salted fish. The duty on salted fish exported from the country is one fourth of its cost.<sup>527</sup>

On chickens and glassware. A full duty is payable on chickens and glassware exported from the country.

On drinking vessels. The law decrees that a duty of two *karoubles* is payable on every bezant's worth of drinking vessels.

On olives. The law decrees that a duty of 20 bezants is payable on every 100 bezants' worth of olives.

On wine. A duty of twelve *dragans* is payable on every camel-load of wine brought over from Nazareth, from Saphorie and from Saphran.<sup>528</sup>

On Damascene thread. A full duty is payable on Damascene thread, the so-called *fil de Doumas*.

On senna. The law decrees that a duty of 20 bezants is payable on every 100 bezants' worth of senna.

On red currants. A duty of eleven bezants and eight *karoubles* is payable on every 100 bezants' worth of red currants.

On the wine, moreover, brought here from Latakia,<sup>529</sup> [a duty of] one *karouble* on every bezant's worth [is payable].

On shoes. The duty [payable] on shoes purchased by the Muslims is one<sup>530</sup> tenth.

On ducks. A duty of one tenth [is payable].<sup>531</sup>

527. After this sentence Kausler, I, 280, ccxxxvii gives the duty payable on fruit, namely 14 bezants on every 100 bezants' worth, which Codex Two (but not Codex One Article 296) of the Greek text omits.

528. This law clearly had no application to Cyprus, an island, and concerned the former Latin territories in Syria and Palestine.

529. Kausler, I, 280, ccxxxvii has 'Antioch or Latakia'. The Greek text has Λακία meaning Latakia, as opposed to Τάχην, the Greek medieval name for Acre (from French 'St Jean d'Acre').

530. The Greek text wrongly has 'a double tenth' instead of one tenth. See Kausler, I, 281, ccxxxvii.

531. Kausler, I, 281, ccxxxvii *om.* the duty payable on ducks, which is not found in Codex One of the Greek text (Article 296) either. Instead both give the duty of one tenth payable on wheat or bread, not mentioned in Codex Two of the Greek text.

On eggs. Know well that a duty of one tenth is payable on eggs.

On chickens. Know well that the law decrees that a duty of one tenth is payable on chickens and young chicks, this is to say ten bezants on every 100 bezants' worth.

On goats. The law decrees that a duty of 12.5 bezants is payable on every 100 bezants' worth of goats imported from Muslim countries.

On garlic. The law decrees that a duty of one tenth is payable on the garlic brought into the town.

On oil. The law decrees that a duty of eight bezants and four *karoubles* is payable on every 100 bezants' worth of the oil coming to the marketplace.

On the dye made from oak-bark. The law decrees that a duty of ten<sup>532</sup> bezants and 18 *karoubles* is payable on [every 100 bezants' worth] of dye made from oak-bark.

On wool. The law decrees that a duty of ten bezants and eight *karoubles*<sup>533</sup> is payable on every 100 bezants' worth of wool imported from all places.

On wax. The law decrees that a duty of eleven<sup>534</sup> bezants and five *karoubles* is payable on every 100 bezants' worth of wax.

On furs. A full duty is payable on furs, which is to say eleven bezants and five *karoubles* on every 100 bezants' worth.

**Article 298 (Kausler, ccxxxviii). Title missing.**

Know well that the king, the knights<sup>535</sup> and all the other people promulgated by mutual consent that all Syrians and all those men and women who are entitled to give their dues in the [court of the] marketplace, such as the Syrians, Greeks, Nestorians, Jacobites, Samaritans, Jews and Egyptians, all such people should have living quarters in the upper market. From the market of Acre downwards (i.e the lower market) there should be no-one, neither by law nor according to the assizes, on account of the fact that the ruler will then not be able to receive his rightfully established dues from them, as you will hear later.

The law decrees that a duty is payable on all things people buy or arrange to have bought in the lower market from all the Syrians and Greeks, whether they be stall-keepers or not. They must give a passage duty of six *tracheae* per bezant for taking them to the quarter of the upper market.

On bread. The law decrees that a passage-duty of two *tracheae* on every bezant's worth of bread bought by any of the Syrian people in the lower market is payable, whether it is bought for their sustenance or for their children.

532. In Kausler, I, 281, ccxxxvii and in Codex One of the Greek text (Article 296) the figures given are five bezants and five marks respectively.

533. Kausler, I, 281, ccxxxvii has 'eighteen *karoubles*'.

534. Kausler, I, 282, ccxxxvii has 'two' instead of 'eleven', but the Venice manuscript below (ccxxiii) has eleven.

535. Kausler, I, 282, ccxxxvii *om.* 'the knights'.

On the villagers. The law decrees that a duty of one tenth is payable on everything purchased in the lower market by all those villagers living under our jurisdiction, that is to say who are within the diocese of Acre, on both clothes and on all things.

On wine. The law decrees that a passage-duty of six *dragans* on every butt of wine purchased from the lower market by the Syrians and Greeks who are obliged to give payment, whether they resell it or have it for their sustenance.

On salt. The law decrees that a duty of four *dragans* is payable on every *modius* of salt purchased by the Muslim peasants and taken away.

On pottery. The law decrees that a duty of one fourth is payable on all works of pottery exported, such as clay pots, bowls, cooking pots and pitchers.

On the working of potter's clay. The law decrees that a duty of two *karoubles* on every bezant's worth of work on the clay brought from Muslim countries to Acre is payable.

On clothing. The law decrees that a duty of five *karoubles* on every 100 bezants' worth of clothing brought by merchants from Antioch, such as scarves, tablecloths and other garments and dresses which are adorned with silk and thread.

On sewn garments. The law decrees that a duty of five *karoubles*<sup>536</sup> is payable on every 100 bezants' worth of sewn garments imported.<sup>537</sup>

On wheat. The law decrees that a duty of one tenth is payable by all those selling wheat in the marketplace, whether they happen to be Syrians or Latin Christians. If it happens that a person liable for payment has transported wheat or barley and does not wish to sell it there, stating that he has brought it for his sustenance, or for his family, the law decrees that the person stating this should swear upon the Gospels that he did not bring it in order to resell it, but only for his sustenance, and he can thereby take it. Nonetheless the law decrees that in accordance with a lawful assize he should pay a passage-duty of six *tracheae* for every *modius*.

On hazelnuts. The law decrees that a duty of three *karoubles* is payable on every *modius* of hazelnuts exported from the country.

On spring onions. The law decrees that a duty of one fourth is payable on spring onions exported from the country.

On wine. The law decrees that a duty of 3.5 *dragans* is payable on every wineskin of wine imported from Muslim countries.

On marble bowls. The law decrees that a duty of two *karoubles* is payable on every bezant's worth of painted marble bowls and basins imported from Muslim countries.

On grapes. The law decrees that a duty of two *sous* is payable on every camel-load brought over, and of 18 *tracheae* on every donkey-load.

On figs. The law decrees that a duty of three *dragans* is payable on figs.

536. Kausler, I, 284, ccxxxviii has seven bezants for every 100 bezants' worth.

537. Codex Two of the Greek text omits the duty payable on buckrams and cotton articles, given in Kausler I, 284 ccxxxviii as eight bezants on every 100 bezants' worth.



On carobs. The law decrees that a duty of three *dragans* is payable on every donkey-load of carobs, and one of four *dragans* on every camel-load.

On wood. Two *dragans* are payable on every [donkey] load of wood, and four *dragans* on every camel-load.<sup>538</sup>

On almonds and walnuts. The law decrees that two *karoubles* are payable on every bezant's worth of almonds and walnuts, and dried apricots.<sup>539</sup>

On garlic and onions. The law decrees that one tenth is payable on garlic and onions exported from the country.

On carobs. Two *karoubles* are payable on every bezant's worth of carobs exported.

On dried figs. Two *karoubles*<sup>540</sup> are payable on every bezant's worth of dried figs.

On donkey-hides. One *karouble* is payable on every bezant's worth of donkey-hide.<sup>541</sup>

On sesame dip (tahini). One tenth [is payable] on sesame dip.

On butter. One tenth [is payable] on old<sup>542</sup> butter.

On wine. The law decrees that 18 *dragans*<sup>543</sup> [are payable] on every two butts of wine brought to the places of Casal Imbert, Nazareth, or Caypha.

On arrows and spears. Two *karoubles* are payable on every bezant's worth of arrows and spears.

On capers. On fourth [is payable] on capers, and the animal transporting them is duty-free.

On asparagus. A duty of one fourth is payable on asparagus.

On olives. A duty of one fourth is payable on olives.

On quinces. A duty of one fourth is payable on quinces.

On apples. A duty of one fourth is payable on apples and pears.

On terebinths. One fourth [is payable] on terebinths.

On cheese. One tenth is payable on cheese brought over from Muslim localities.

On straw. The law decrees that a duty of one fourth is payable on the straw, that is to say on the bamboo brought to make baskets.

This book was finished by the hand of Anthony Syngritikos,<sup>544</sup> that is myself, on the last day of October in the year of Our Lord Jesus Christ 1469. Give thanks to the Lord.

Just as strangers are glad to see their homeland and seafarers to see a port, so likewise are writers glad to see the end of a book.

538. Kausler, I, 285, ccxxxviii has one fourth of the sale price payable as duty for every donkey-load of wood, and 2 *drahans* for every camel-load.

539. Kausler, I, 286, ccxxxviii *om.* 'and dried apricots'.

540. Kausler, I, 286, ccxxxviii has one *karouble*.

541. Kausler, I, 286, ccxxxviii gives a duty of one tenth.

542. Kausler, I, 286, ccxxxviii *add.* 'or fresh'.

543. Kausler, I, 286, ccxxxviii has 14 *drahans*.

544. Sathas, *Μεσαιωνική Βιβλιοθήκη*, VI, 497 mistakenly gives his first name as Nicholas. See Darrouzès, 'Les manuscrits originaux de Chypre à la Bibliothèque Nationale de Paris', p. 187.

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